

**United States Department of Justice  
Executive Office for Immigration Review**

**International Religious Freedom Act  
Training Materials**



***New Immigration Judge Training***

# International Religious Freedom Act Materials

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# **International Religious Freedom Act of 1998**

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Public Law 105-292, as amended by Public Law 106-55, Public Law 106-113, Public Law 107-228, Public Law 108-332, Public Law 108-458, Public Law 112-75, Public Law 113-271, and Public Law 114-71.

### EXCERPTS:

#### **SEC. 601. USE OF ANNUAL REPORT.** [22 USC 6471.]

The Annual Report [on International Religious Freedom], together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien's claim.

#### **SEC. 603. REFORM OF ASYLUM POLICY.** [22 USC 6473.]

(c) TRAINING FOR IMMIGRATION JUDGES.--The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including country-specific conditions, and including use of the Annual Report. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.



# United States Commission *on* International Religious Freedom

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## International Religious Freedom Act of 1998

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### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.--This Act may be cited as the "International Religious Freedom Act of 1998". [22 USC 6401 note.]

(b) TABLE OF CONTENTS. -- [omitted, no longer accurate after 1999 amendments]

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## **TITLE VII--MISCELLANEOUS PROVISIONS**

Sec. 701. Business codes of conduct.

### **SEC. 2. FINDINGS; POLICY.** [22 USC 6401.]

(a) FINDINGS.--Congress makes the following findings:

(1) The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the

United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.

(2) Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(3) Article 18 of the Universal Declaration of Human Rights recognizes that ``Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance." Article 18(1) of the International Covenant on Civil and Political Rights recognizes that ``Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching". Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government.

(4) The right to freedom of religion is under renewed and, in some cases, increasing assault in many countries around the world. More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, surveillance by security police, including by special divisions of ``religious police", severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials.

(5) Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

(6) Though not confined to a particular region or regime, religious persecution is often particularly widespread, systematic, and heinous under totalitarian governments and in countries with militant, politicized religious majorities.

(7) Congress has recognized and denounced acts of religious persecution through the adoption of the following resolutions:

(A) House Resolution 515 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide.

(B) Senate Concurrent Resolution 71 of the One Hundred Fourth Congress, expressing the sense of the Senate regarding persecution of Christians worldwide.

(C) House Concurrent Resolution 102 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives concerning the emancipation of the Iranian Baha'i community.

(b) POLICY.--It shall be the policy of the United States, as follows:

(1) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.

(2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion, as set forth in the Foreign Assistance Act of 1961, in the International Financial Institutions Act of 1977, and in other formulations of United States human rights policy.

(3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

(4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

(5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

### **SEC. 3. DEFINITIONS.** [22 USC 6402.]

In this Act:

(1) **AMBASSADOR AT LARGE.**--The term "Ambassador at Large" means the Ambassador at Large for International Religious Freedom appointed under section 101(b).

(2) **ANNUAL REPORT.**--The term "Annual Report" means the Annual Report on International Religious Freedom described in section 102(b).

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**--The term "appropriate congressional committees" means --

(A) the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives; and

(B) in the case of any determination made with respect to the taking of President action under paragraphs (9) through (15) of section 405(a), the term includes the committees described in subparagraph (A) and, where appropriate, the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) **COMMENSURATE ACTION.**--The term "commensurate action" means action taken by the President under section 405(b).

(5) **COMMISSION.**--The term "Commission" means the United States Commission on International Religious Freedom established in section 201(a).

(6) **COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**--The term "Country Reports on Human Rights Practices" means the annual reports required to be submitted by the Department of State to Congress under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

(7) **EXECUTIVE SUMMARY.**--The term "Executive Summary" means the Executive Summary to the Annual Report, as described in section 102(b)(1)(F).

(8) **GOVERNMENT OR FOREIGN GOVERNMENT.**--The term "government" or "foreign government" includes any agency or instrumentality of the government.

(9) **HUMAN RIGHTS REPORTS.**--The term "Human Rights Reports" means all reports submitted by the Department of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961.

(10) OFFICE.--The term "Office" means the Office on International Religious Freedom established in section 101(a).

(11) PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.--The term "particularly severe violations of religious freedom" means systematic, ongoing, egregious violations of religious freedom, including violations such as --

(A) torture or cruel, inhuman, or degrading treatment or punishment;

(B) prolonged detention without charges;

(C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or

(D) other flagrant denial of the right to life, liberty, or the security of persons.

(12) SPECIAL ADVISER.--The term "Special Adviser" means the Special Adviser to the President on International Religious Freedom described in section 101(i) of the National Security Act of 1947, as added by section 301 of this Act.

(13) VIOLATIONS OF RELIGIOUS FREEDOM.--The term "violations of religious freedom" means violations of the internationally recognized right to freedom of religion and religious belief and practice, as set forth in the international instruments referred to in section 2(a)(2) and as described in section 2(a)(3), including violations such as --

(A) arbitrary prohibitions on, restrictions of, or punishment for--

(i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements;

(ii) speaking freely about one's religious beliefs;

(iii) changing one's religious beliefs and affiliation;

(iv) possession and distribution of religious literature, including Bibles; or

(v) raising one's children in the religious teachings and practices of one's choice; or

(B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced

mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

## **TITLE I--DEPARTMENT OF STATE ACTIVITIES**

### **SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.** [22 USC 6411.]

(a) ESTABLISHMENT OF OFFICE.--There is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador at Large for International Religious Freedom appointed under subsection (b).

(b) APPOINTMENT.--The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.--The Ambassador at Large shall have the following responsibilities:

(1) IN GENERAL.--The primary responsibility of the Ambassador at Large shall be to advance the right to freedom of religion abroad, to denounce the violation of that right, and to recommend appropriate responses by the United States Government when this right is violated.

(2) ADVISORY.--The Ambassador at Large shall be a principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad and, with advice from the Commission on International Religious Freedom, shall make recommendations regarding

(A) the policies of the United States Government toward governments that violate freedom of religion or that fail to ensure the individual's right to religious belief and practice; and

(B) policies to advance the right to religious freedom abroad.

(3) DIPLOMATIC REPRESENTATION.--Subject to the direction of the President and the Secretary of State, the Ambassador at Large is authorized to represent the United States in matters and cases relevant to religious freedom abroad in--

(A) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization on Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(B) multilateral conferences and meetings relevant to religious freedom abroad.

(4) REPORTING RESPONSIBILITIES.--The Ambassador at Large shall have the reporting responsibilities described in section 102.

(d) FUNDING.--The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for the hiring of staff for the Office, for the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.

**SEC. 102. REPORTS.** [22 USC 6412.]

(a) PORTIONS OF ANNUAL HUMAN RIGHTS REPORTS.--The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and freedom from discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to freedom of religion.

(b) ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.--

(1) DEADLINE FOR SUBMISSION.--On September 1 of each year or the first day thereafter on which the appropriate House of Congress is in session, the Secretary of State, with the assistance of the Ambassador at Large, and taking into consideration the recommendations of the Commission, shall prepare and transmit to Congress an Annual Report on International Religious Freedom supplementing the most recent Human Rights Reports by providing additional detailed information with respect to matters involving international religious freedom. Each Annual Report shall contain the following:

(A) STATUS OF RELIGIOUS FREEDOM.--A description of the status of religious freedom in each foreign country, including--

(i) trends toward improvement in the respect and protection of the right to religious freedom and trends toward deterioration of such right;

(ii) violations of religious freedom engaged in or tolerated by the government of that country;

(iii) particularly severe violations of religious freedom engaged in or tolerated by the government of that country; and

(iv) wherever applicable, an assessment and description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur in that country during the preceding year, including--

(I) acts of physical violence against, or harassment of, Jewish people, acts of violence against, or vandalism of, Jewish community institutions, and instances of propaganda in government and nongovernment media that incite such acts; and

(II) the actions taken by the government of that country to respond to such violence and attacks or to eliminate such propaganda or incitement, to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people, and to promote anti-bias and tolerance education.

(B) VIOLATIONS OF RELIGIOUS FREEDOM.--An assessment and description of the nature and extent of violations of religious freedom in each foreign country, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, the existence of government policies violating religious freedom, including policies that discriminate against particular religious groups or members of such groups, and the existence of government policies concerning

(i) limitations or prohibitions on, or lack of availability of, openly conducted, organized religious services outside of the premises of foreign diplomatic missions or consular posts; and

(ii) the forced religious conversion of minor United States citizens who have been abducted or illegally removed from the United States, and the refusal to allow such citizens to be returned to the United States.

(C) UNITED STATES POLICIES.--A description of United States actions and policies in support of religious freedom in each foreign country engaging in or tolerating violations of religious freedom, including a description of the measures and policies implemented during the preceding 12 months by the United States under titles I, IV, and V of this Act in opposition to violations of religious freedom and in support of international religious freedom.

(D) INTERNATIONAL RELIGIOUS FREEDOM.--A description of any binding agreement with a foreign government entered into by the United States under section 401(b) or 402(c).

(E) TRAINING AND GUIDELINES--A description of--

(i) the training described in section 602(a) and (b) and section 603(b) and (c) on violations of religious freedom provided to immigration judges and consular, refugee, immigration, and asylum officers; and

(ii) the development and implementation of the guidelines described in sections 602(c) and 603 (a).

(F) EXECUTIVE SUMMARY.--An Executive Summary to the Annual Report highlighting the status of religious freedom in certain foreign countries and including the following:

(i) COUNTRIES IN WHICH THE UNITED STATES IS ACTIVELY PROMOTING RELIGIOUS FREEDOM.--An identification of foreign countries in which the United States is actively promoting religious freedom. This section of the report shall include a description of United States actions taken to promote the internationally recognized right to freedom of religion and oppose violations of such right under title IV and title V of this Act during the period covered by the Annual Report. Any country designated as a country of particular concern for religious freedom under section 402(b)(1) shall be included in this section of the report.

(ii) COUNTRIES OF SIGNIFICANT IN RELIGIOUS FREEDOM.--An identification of foreign countries the governments of which have demonstrated significant improvement in the protection and promotion of the internationally recognized right to freedom of religion during the period covered by the Annual Report. This section of the report shall include a description of the nature of the improvement and an analysis of the factors contributing to such improvement, including actions taken by the United States under this Act.

(2) CLASSIFIED ADDENDUM.--If the Secretary of State determines that it is in the national security interests of the United States or is necessary for the safety of individuals to be identified in the Annual Report or is necessary to further the purposes of this Act, any information required by paragraph (1), including measures or actions taken by the United States, may be summarized in the Annual Report or the Executive Summary and submitted in more detail in a classified addendum to the Annual Report or the Executive Summary.

(c) PREPARATION OF REPORTS REGARDING VIOLATIONS OF RELIGIOUS FREEDOM.--

(1) STANDARDS AND INVESTIGATIONS.--The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of violations of the internationally recognized right to freedom of religion.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.--In compiling data and assessing the respect of the right to religious freedom for the Human Rights Reports, the Annual Report on International Religious Freedom, and the Executive Summary, United States mission personnel shall, as appropriate, seek out and maintain contacts with religious and human rights nongovernmental organizations, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

(d) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.--

(1) CONTENT OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING ECONOMIC ASSISTANCE.--Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended--

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ";and"; and

(C) by adding at the end the following:

"(6) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).".

(2) CONTENTS OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING SECURITY ASSISTANCE.--Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended--

(A) by inserting "and with the assistance of the Ambassador at Large for International Religious Freedom" after "Labor"; and

(B) by inserting after the second sentence the following new sentence: "Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).".

**SEC. 103. ESTABLISHMENT OF A RELIGIOUS FREEDOM INTERNET SITE.** [22 USC 6413.]

In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Secretary of State, with the assistance of the Ambassador at Large, shall establish and maintain an Internet site containing major international documents relating to religious freedom, the Annual Report, the Executive Summary, and any other documentation or references to other sites as deemed appropriate or relevant by the Ambassador at Large.

**SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.**

Chapter 2 of title I of the Foreign Service Act of 1980 is amended by adding at the end the following new section:

**"SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS. [22 USC 4028.]**

"The Secretary of State, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 and the director of the National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include--

"(1) instruction on international documents and United States policy in human rights, which shall be mandatory for all members of the Service having reporting responsibilities relating to human rights and for chiefs of mission; and

"(2) instruction on the internationally recognized right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of violations of religious freedom."

**SEC. 105. HIGH-LEVEL CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS. [22 USC 6414.]**

United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

**SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY UNITED STATES MISSIONS ABROAD. [22 USC 6415.]**

It is the sense of the Congress that--

(1) United States diplomatic missions in countries the governments of which engage in or tolerate violations of the internationally recognized right to freedom of religion should develop, as part of annual program planning, a strategy to promote respect for the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to assist in the promotion of the right to religious freedom.

**SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.** [22 USC 6416.]

(a) IN GENERAL.--Subject to this section, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities unrelated to the conduct of the diplomatic mission, access to the premises of any United States diplomatic mission or consular post by any United States citizen seeking to conduct an activity for religious purposes.

(b) TIMING AND LOCATION.--The Secretary of State shall make reasonable accommodations with respect to the timing and location of such access in light of--

(1) the number of United States citizens requesting the access (including any particular religious concerns regarding the time of day, date, or physical setting for services);

(2) conflicts with official activities and other nonofficial United States citizen requests;

(3) the availability of openly conducted, organized religious services outside the premises of the mission or post;

(4) availability of space and resources; and

(5) necessary security precautions.

(c) DISCRETIONARY ACCESS FOR FOREIGN NATIONALS.--The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this section.

**SEC. 108. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.** [22 USC 6417.]

(a) SENSE OF THE CONGRESS.--To encourage involvement with religious freedom concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of the Congress that officials of the executive branch of Government should promote increased advocacy on such issues during meetings between foreign dignitaries and executive branch officials or Members of Congress.

(b) PRISONER LISTS AND ISSUE BRIEFS OM RELIGIOUS FREEDOM CONCERNS.--The Secretary of State, in consultation with the Ambassador at Large, the Assistant Secretary of State for Democracy, Human Rights and Labor, United States chiefs of mission abroad, regional experts, and nongovernmental human rights and religious groups, shall prepare and maintain issue briefs

on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom. In considering the inclusion of names of prisoners on such lists, the Secretary of State shall exercise appropriate discretion, including concerns regarding the safety, security, and benefit to such prisoners.

(c) **AVAILABILITY OF INFORMATION.**--The Secretary shall, as appropriate, provide religious freedom issue briefs under subsection (b) to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

## **TITLE II--COMMISSION ON**

### **INTERNATIONAL RELIGIOUS FREEDOM**

#### **SEC. 201. ESTABLISHMENT AND COMPOSITION.** [22 USC 6431.]

(a) **IN GENERAL.**--There is established the United States Commission on International Religious Freedom.

(b) **MEMBERSHIP.**--

(1) **APPOINTMENT.**--The Commission shall be composed of--

(A) the Ambassador at Large, who shall serve ex officio as a nonvoting member of the Commission; and

(B) Nine other members, who shall be United States citizens who are not being paid as officers or employees of the United States, and who shall be appointed as follows:

(i) Three members of the Commission shall be appointed by the President.

(ii) Three members of the Commission shall be appointed by the President pro tempore of the Senate, of which two of the members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President, and of which one of the members shall be appointed upon the recommendation of the leader in the Senate of the other political party.

(iii) Three members of the Commission shall be appointed by the Speaker of the House of Representatives, of which two of the members shall be appointed upon the recommendation of the leader in the House of the political party that is not the political party of the President, and

of which one of the members shall be appointed upon the recommendation of the leader in the House of the other political party.

(2) SELECTION.--

(A) IN GENERAL.--Members of the Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.

(B) SECURITY CLEARANCES.--Each member of the Commission shall be required to obtain a security clearance.

(3) TIME OF APPOINTMENT.--The appointments required by paragraph (1) shall be made not later than 120 days after the date of the enactment of this Act.

(c) TERMS.--

(1) IN GENERAL.--The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.

(2) ESTABLISHMENT OF STAGGERED TERMS.--

(A) IN GENERAL.--Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph.

(B) PRESIDENTIAL APPOINTMENTS.--Of the three members of the Commission appointed by the President under subsection (b)(1)(B)(i), two shall be appointed to a 1-year term and one shall be appointed to a 2-year term.

(C) APPOINTMENTS BY THE PRESIDENT PRO TEMPORE OF THE SENATE.--Of the three members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), one of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

(D) APPOINTMENTS BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.--Of the three members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), one of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

(E) APPOINTMENTS TO 1-YEAR TERMS.--The term of each member of the Commission appointed to a 1-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a 1-year term shall be filled by the appointment of a successor to a 2-year term.

(F) APPOINTMENTS TO 2-YEAR TERMS.--Each appointment of a member to a two-year term shall identify the member succeeded thereby, and each such term shall end on May 14 of the year that is at least two years after the expiration of the previous term, regardless of the date of the appointment to the Commission.

(3) INELIGIBILITY FOR REAPPOINTMENT.--If a member of the Commission attends, by being physically present or by conference call, less than 75 percent of the meetings of the Commission during one of that member's terms on the Commission, the member shall not be eligible for reappointment to the Commission.

(d) ELECTION OF CHAIR.--At the first meeting of the Commission after May 30 of each year, a majority of the members of the Commission present and voting shall elect the Chair of the Commission. No member of the Commission is eligible to be elected as Chair of the Commission for a second, consecutive term.

(e) QUORUM.--Six voting members of the Commission shall constitute a quorum for purposes of transacting business.

(f) MEETINGS.--Each year, within 15 days, or as soon as practicable, after the issuance of the Country Report on Human Rights Practices, the Commission shall convene. The Commission shall otherwise meet at the call of the Chair or, if no Chair has been elected for that calendar year, at the call of six voting members of the Commission.

(g) VACANCIES.--Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(h) **ADMINISTRATIVE SUPPORT.**--The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this title.

(i) **FUNDING.**--Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission. Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.

## **SEC. 202. DUTIES OF THE COMMISSION.** [22 USC 6432.]

(a) **IN GENERAL.**--The Commission shall have as its primary responsibility--

(1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and

(2) the making of policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom.

(b) **POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO VIOLATIONS.**--The Commission, in evaluating United States Government policies in response to violations of religious freedom, shall consider and recommend options for policies of the United States Government with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom, including particularly severe violations of religious freedom, including diplomatic inquiries, diplomatic protest, official public protest demarche of protest, condemnation within multilateral fora, delay or cancellation of cultural or scientific exchanges, delay or cancellation of working, official, or state visits, reduction of certain assistance funds, termination of certain assistance funds, imposition of targeted trade sanctions, imposition of broad trade sanctions, and withdrawal of the chief of mission.

(c) **POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO PROGRESS.**--The Commission, in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for the right of religious

freedom, shall consider and recommend policy options, including private commendation, diplomatic commendation, official public commendation, commendation within multilateral fora, an increase in cultural or scientific exchanges, or both, termination or reduction of existing Presidential actions, an increase in certain assistance funds, and invitations for working, official, or state visits.

(d) EFFECTS ON RELIGIOUS COMMUNITIES AND INDIVIDUALS.--Together with specific policy recommendations provided under subsections (b) and (c), the Commission shall also indicate its evaluation of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

(e) MONITORING.--The Commission shall, on an ongoing basis, monitor facts and circumstances of violations of religious freedom, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate officials and offices in the United States Government.

### **SEC. 203. POWERS OF THE COMMISSION.** [22 USC 6432a.]

(a) HEARINGS AND SESSIONS.--The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.--The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) POSTAL SERVICES.--The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE PROCEDURES.--The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this title.

(e) VIEWS OF THE COMMISSION.--The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its

statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

(f) TRAVEL.--The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purpose of this title. Each trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador at Large, whose travel shall not require approval by the Commission.

#### **SEC. 204. COMMISSION PERSONNEL MATTERS.** [22 USC 6432b.]

(a) IN GENERAL.--The Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

(b) COMPENSATION.--The Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) PROFESSIONAL STAFF.--The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall serve the Commission as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit staff personnel from assisting individual members of the Commission with particular needs related to their duties.

(d) STAFF AND SERVICES OF OTHER FEDERAL AGENCIES.--

(1) DEPARTMENT OF STATE.--The Secretary of State shall assist the Commission by providing on a reimbursable or non-reimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

(2) OTHER FEDERAL AGENCIES.--Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its

functions under this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) **SECURITY CLEARANCES.**The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on a needonly basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.

(f) **COST.**--The Commission shall reimburse all appropriate Government agencies for the cost of obtaining clearances for members of the Commission, for the executive director, and for any other personnel.

(g) **APPLICATION OF ANTIDISCRIMINATION LAWS.**--For purposes of providing remedies and procedures to address alleged violations of rights and protections that pertain to employment discrimination, family and medical leave, fair labor standards, employee polygraph protection, worker adjustment and retraining, veterans' employment and reemployment, intimidation or reprisal, protections under the Americans with Disabilities Act of 1990, occupational safety and health, labor-management relations, and rights and protections that apply to employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, all employees of the Commission shall be treated as employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives and the Commission shall be treated as an employing office of the Senate or the House of Representatives.

## **SEC. 205. REPORT OF THE COMMISSION.** [22 USC 6433.]

(a) **IN GENERAL.**--Not later than May 1 of each year, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under section 202.

(b) **CLASSIFIED FORM OF REPORT.**--The report may be submitted in classified form, together with a public summary of recommendations, if the classification of information would further the purposes of this Act.

(c) **INDIVIDUAL OR DISSENTING VIEWS.**--Each member of the Commission may include the individual or dissenting views of the member.

## **SEC. 206. APPLICABILITY OF OTHER LAWS.** [22 USC 6434.]

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

**SEC. 207. AUTHORIZATION OF APPROPRIATIONS.** [22 USC 6435.]

(a) IN GENERAL.--There are authorized to be appropriated to the Commission \$ 3,500,000 for each of the fiscal years 2016 to 2019 to carry out the provisions of this Act and section 4 of the United States Commission on International Religious Freedom Reauthorization Act of 2015.

(b) AVAILABILITY OF FUNDS.--Amounts authorized to be appropriated under subparagraph (a) are authorized to remain available until the earlier of;

(1) the date on which they have been expended; or (2) the date on which the Commission is terminated under Section 209.

(c) Limitation. – In each fiscal year, the Commission shall only be authorized to expend amounts that have been appropriated pursuant to subsection (a) if the Commission –

(1) Complies with the requirements set forth in section 4 of the United States Commission on International Religious Freedom Reauthorization Act of 2015; and

(2) Submits the annual financial report required under section 208(e) to the appropriate congressional committees.

**SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.** [22 USC 6435a.]

(a) COOPERATION WITH NONGOVERNMENTAL ORGANIZATIONS, THE DEPARTMENT OF STATE, AND CONGRESS.--The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the Commission's duties under this title.

(b) CONFLICT OF INTEREST AND ANTI-NEPOTISM.--

(1) MEMBER AFFILIATIONS.--Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member's direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

(2) STAFF COMPENSATION.--Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

(3) EXCEPTION.--

(A) IN GENERAL.--Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed \$250.

(B) LIMITATION.--Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

(4) DEFINITIONS.--In this subsection, the term "affiliated" means the relationship between a member of the Commission and--

(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of, the Commission is an officer, trustee, partner, director, or employee; or

(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

(c) CONTRACT AUTHORITY.--

(1) IN GENERAL.--Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code, except that the Commission may not expend more than \$250,000 in any fiscal year to procure such services.

(2) EXPERT STUDY.--In the case of a study requested under section 605 of this Act, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

(d) GIFTS.--

(1) IN GENERAL.--In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly

accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes such gifts or donations to have a value of less than \$50 and a cumulative value during a calendar year of less than \$100.

(2) EXCEPTIONS.--This subsection shall not apply to the following:

(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner's position and not because of the personal friendship.

(B) Gifts provided on the basis of a family relationship.

(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

(D) Items of nominal value or gifts of estimated value of \$10 or less.

(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of \$260. Gifts believed by Commissioners to be in excess of \$260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

(e) ANNUAL FINANCIAL REPORT.--In addition to providing the reports required under section 202, the Commission shall provide, each year no later than January 1, to the Committees on Foreign Affairs and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.

## **SEC. 209. TERMINATION.** [22 USC 6436.]

The Commission shall terminate on September 30, 2019.

## **TITLE III-NATIONAL SECURITY COUNCIL**

## **SEC. 301. SPECIAL ADVISER ON INTERNATIONAL RELIGIOUS FREEDOM.**

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

“(i) It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.”.

## **TITLE IV-PRESIDENTIAL ACTIONS**

### **Subtitle I-Targeted Responses to**

#### **Violations of Religious Freedom Abroad**

## **SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.** [22 USC 6441.]

(a) RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.--

(1) IN GENERAL.--

(A) UNITED STATES.--It shall be the policy of the United States--

(i) to oppose violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(ii) to promote the right to freedom of religion in those countries through the actions described in subsection (b).

(B) REQUIREMENT OF PRESIDENTIAL ACTION.--For each foreign country the government of which engages in or tolerates violations of religious freedom, the President shall oppose such violations and promote the right to freedom of religion in that country through the actions described in subsection (b).

(2) BASIS OF ACTIONS.--Each action taken under paragraph (1)(B) shall be based upon information regarding violations of religious freedom, as described in the latest Country Reports on Human Rights Practices, the Annual Report and Executive Summary, and on any other evidence available, and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(b) PRESIDENTIAL ACTIONS.--

(1) IN GENERAL.--Subject to paragraphs (2) and (3), the President, in consultation with the Secretary of State, the Ambassador at Large, the Special Adviser, and the Commission, shall, as expeditiously as practicable in response to the violations described in subsection (a) by the government of a foreign country--

(A) take one or more of the actions described in paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to such country; or

(B) negotiate and enter into a binding agreement with the government of such country, as described in section 405(c).

(2) DEADLINE FOR ACTIONS.--Not later than September 1 of each year, the President shall take action under any of paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom at any time since September 1 of the preceding year, except that in the case of action under any of paragraphs (9) through (15) of section 405 (a) (or commensurate action in substitution thereto)--

(A) the action may only be taken after the requirements of sections 403 and 404 have been satisfied; and

(B) the September 1 limitation shall not apply.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.--The President may delay action under paragraph (2) described in any of paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) if he determines and certifies to Congress that a single, additional period of time, not to exceed 90 days, is necessary pursuant to the same provisions applying to countries of particular concern for religious freedom under section 402(c) (3).

(c) IMPLEMENTATION.--

(1) IN GENERAL.--In carrying out subsection (b), the President shall--

(A) take the action or actions that most appropriately respond to the nature and severity of the violations of religious freedom;

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations; and

(C) when appropriate, make every reasonable effort to conclude a binding agreement concerning the cessation of such violations in countries with which the United States has diplomatic relations.

(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.--In addition to the guidelines under paragraph (1), the President, in determining whether to take a Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto), shall seek to minimize any adverse impact on--

(A) the population of the country whose government is targeted by the Presidential action or actions; and

(B) the humanitarian activities of United States and foreign nongovernmental organizations in such country.

**SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.** [22 USC 6442.]

(a) RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.--

(1) UNITED STATES POLICY.--It shall be the policy of the United States--

(A) to oppose particularly severe violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(B) to promote the right to freedom of religion in those countries through the actions described in subsection (c).

(2) REQUIREMENT OF PRESIDENTIAL ACTION.--Whenever the President determines that the government of a foreign country has engaged in or tolerated particularly severe violations of religious freedom, the President shall oppose such violations and promote the right to religious freedom through one or more of the actions described in subsection (c).

(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.--

(1) ANNUAL REVIEW.--

(A) In general. Not later than September 1 of each year, the President shall review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall designate each country the government of which has engaged in or tolerated violations described in this subparagraph as a country of particular concern for religious freedom.

(B) BASIS OF REVIEW.--Each review conducted under subparagraph (A) shall be based upon information contained in the latest Country Reports on Human Rights Practices, the Annual Report, and on any other evidence available and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(C) IMPLEMENTATION.--Any review under subparagraph (A) of a foreign country may take place singly or jointly with the review of one or more countries and may take place at any time prior to September 1 of the respective year.

(2) DETERMINATIONS OF RESPONSIBLE PARTIES.--For the government of each country designated as a country of particular concern for religious freedom under paragraph (1)(A), the President shall seek to determine the agency or instrumentality thereof and the specific officials thereof that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by that government in order to appropriately target Presidential actions under this section in response.

(3) CONGRESSIONAL NOTIFICATION.--Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A), the President shall, as soon as practicable after the designation is made, transmit to the appropriate congressional committees--

(A) the designation of the country, signed by the President; and

(B) the identification, if any, of responsible parties determined under paragraph (2).

(c) PRESIDENTIAL ACTION WITH RESPECT TO COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.--

(1) IN GENERAL.--Subject to paragraphs (2), (3), (4), and (5) with respect to each country of particular concern for religious freedom designated under subsection (b)(1)(A), the President shall, after the requirements of sections 403 and 404 have been satisfied, but not later than 90

days (or 180 days in case of a delay under paragraph (3)) after the date of designation of the country under that subsection, carry out one or more of the following actions under subparagraph (A) or subparagraph (B):

(A) PRESIDENTIAL ACTIONS.--One or more of the Presidential actions described in paragraphs (9) through (15) of section 405(a), as determined by the President.

(B) COMMENSURATE ACTIONS.--Commensurate action in substitution to any action described in subparagraph (A).

(2) SUBSTITUTION OF BINDING AGREEMENTS.--

(A) IN GENERAL.--In lieu of carrying out action under paragraph (1), the President may conclude a binding agreement with the respective foreign government as described in section 405(c). The existence of a binding agreement under this paragraph with a foreign government may be considered by the President prior to making any determination or taking any action under this title.

(B) STATUTORY CONSTRUCTION.--Nothing in this paragraph may be construed to authorize the entry of the United States into an agreement covering matters outside the scope of violations of religious freedom.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.--If, on or before the date that the President is required (but for this paragraph) to take action under paragraph (1), the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary--

(A) for a continuation of negotiations that have been commenced with the government of that country to bring about a cessation of the violations by the foreign country;

(B) for a continuation of multilateral negotiations into which the United States has entered to bring about a cessation of the violations by the foreign country;

(C)(i) for a review of corrective action taken by the foreign country after designation of such country as a country of particular concern; or

(ii) in anticipation that corrective action will be taken by the foreign country during the 90day period,

then the President shall not be required to take action until the expiration of that period of time.

(4) EXCEPTION FOR ONGOING PRESIDENTIAL ACTION UNDER THIS ACT.--The President shall not be required to take action pursuant to this subsection in the case of a country of particular concern for religious freedom, if with respect to such country

(A) the President has taken action pursuant to this Act in a preceding year;

(B) such action is in effect at the time the country is designated as a country of particular concern for religious freedom under this section; and

(C) the President reports to Congress the information described in section 404(a)(1), (2), (3), and (4) regarding the actions in effect with respect to the country.

(5) EXCEPTION FOR ONGOING, MULTIPLE, BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.--At the time the President determines a country to be a country of particular concern, if that country is already subject to multiple, broadbased sanctions imposed in significant part in response to human rights abuses, and such sanctions are ongoing, the President may determine that one or more of these sanctions also satisfies the requirements of this subsection. In a report to Congress pursuant to section 404(a)(1), (2), (3), and (4), and, as applicable, to section 408, the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection. The sanctions so designated shall remain in effect subject to section 409 of this Act.

(d) STATUTORY CONSTRUCTION.--A determination under this Act, or any amendment made by this Act, that a foreign country has engaged in or tolerated particularly severe violations of religious freedom shall not be construed to require the termination of assistance or other activities with respect to that country under any other provision of law, including section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304).

### **SEC. 403. CONSULTATIONS.** [22 USC 6443.]

(a) IN GENERAL.--As soon as practicable after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall carry out the consultations required in this section.

(b) DUTY TO CONSULT WITH FOREIGN GOVERNMENTS PRIOR TO TAKING PRESIDENTIAL ACTIONS.--

(1) IN GENERAL.--The President shall--

(A) request consultation with the government of such country regarding the violations giving rise to designation of that country as a country of particular concern for religious freedom or to Presidential action under section 401; and

(B) if agreed to, enter into such consultations, privately or publicly.

(2) USE OF MULTILATERAL FORA.--If the President determines it to be appropriate, such consultations may be sought and may occur in a multilateral forum, but, in any event, the President shall consult with appropriate foreign governments for the purposes of achieving a coordinated international policy on actions that may be taken with respect to a country described in subsection (a), prior to implementing any such action.

(3) ELECTION OF NONDISCLOSURE OF NEGOTIATIONS TO PUBLIC.--If negotiations are undertaken or an agreement is concluded with a foreign government regarding steps to cease the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

(c) DUTY TO CONSULT WITH HUMANITARIAN ORGANIZATIONS.--The President should consult with appropriate humanitarian and religious organizations concerning the potential impact of United States policies to promote freedom of religion in countries described in subsection (a).

(d) DUTY TO CONSULT WITH UNITED STATES INTERESTED PARTIES.--The President shall, as appropriate, consult with United States interested parties as to the potential impact of intended Presidential action or actions in countries described in subsection (a) on economic or other interests of the United States.

#### **SEC. 404. REPORT TO CONGRESS.** [22 USC 6444.]

(a) IN GENERAL.--Subject to subsection (b), not later than 90 days after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall submit a report to Congress containing the following:

(1) IDENTIFICATION OF PRESIDENTIAL ACTIONS.--An identification of the Presidential action or actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) to be taken with respect to the foreign country.

(2) DESCRIPTION OF VIOLATIONS.--A description of the violations giving rise to the Presidential action or actions to be taken.

(3) PURPOSE OF PRESIDENTIAL ACTIONS.--A description of the purpose of the Presidential action or actions.

(4) EVALUATION.--

(A) DESCRIPTION.--An evaluation, in consultation with the Secretary of State, the Ambassador at Large, the Commission, the Special Adviser, the parties described in section 403(c) and (d), and whoever else the President deems appropriate, of

(i) the impact upon the foreign government;

(ii) the impact upon the population of the country; and

(iii) the impact upon the United States economy and other interested parties.

(B) AUTHORITY TO WITHHOLD DISCLOSURE.--The President may withhold part or all of such evaluation from the public but shall provide the entire evaluation to Congress.

(5) STATEMENT OF POLICY OPTIONS.--A statement that noneconomic policy options designed to bring about cessation of the particularly severe violations of religious freedom have reasonably been exhausted, including the consultations required in section 403.

(6) DESCRIPTION OF MULTILATERAL NEGOTIATIONS.--A description of multilateral negotiations sought or carried out, if appropriate and applicable.

(b) DELAY IN TRANSMITTAL OF REPORT.--If, on or before the date that the President is required (but for this subsection) to submit a report under subsection (a) to Congress, the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary pursuant to section 401(b)(3) or 402(c)(3), then the President shall not be required to submit the report to Congress until the expiration of that period of time.

**SEC. 405. DESCRIPTION OF PRESIDENTIAL ACTIONS.** [22 USC 6445.]

(a) DESCRIPTION OF PRESIDENTIAL ACTIONS.--Except as provided in subsection (d), the Presidential actions referred to in this subsection are the following:

- (1) A private demarche.
- (2) An official public demarche.
- (3) A public condemnation.
- (4) A public condemnation within one or more multilateral fora.
- (5) The delay or cancellation of one or more scientific exchanges.
- (6) The delay or cancellation of one or more cultural exchanges.
- (7) The denial of one or more working, official, or state visits.
- (8) The delay or cancellation of one or more working, official, or state visits.
- (9) The withdrawal, limitation, or suspension of United States development assistance in accordance with section 116 of the Foreign Assistance Act of 1961.
- (10) Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of ) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.
- (11) The withdrawal, limitation, or suspension of United States security assistance in accordance with section 502B of the Foreign Assistance Act of 1961.
- (12) Consistent with section 701 of the International Financial Institutions Act of 1977, directing the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.
- (13) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of ) specific licenses, and not to grant any other specific authority (or a specified number of authorities), to export any goods or technology to the specific foreign

government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402, under

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or re-export of goods or services.

(14) Prohibiting any United States financial institution from making loans or providing credits totaling more than \$10,000,000 in any 12month period to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(15) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government, entities, or officials found or determined by the President to be responsible for violations under section 401 or 402.

(b) COMMENSURATE ACTION.--Except as provided in subsection (d), the President may substitute any other action authorized by law for any action described in paragraphs (1) through (15) of subsection (a) if such action is commensurate in effect to the action substituted and if the action would further the policy of the United States set forth in section 2(b) of this Act. The President shall seek to take all appropriate and feasible actions authorized by law to obtain the cessation of the violations. If commensurate action is taken, the President shall report such action, together with an explanation for taking such action, to the appropriate congressional committees.

(c) BINDING AGREEMENTS.--The President may negotiate and enter into a binding agreement with a foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom. The entry into force of a binding agreement for the cessation of the violations shall be a primary objective for the President in responding to a foreign government that has engaged in or tolerated particularly severe violations of religious freedom.

(d) EXCEPTIONS.--Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance.

**SEC. 406. EFFECTS ON EXISTING CONTRACTS.** [22 USC 6446.]

The President shall not be required to apply or maintain any Presidential action under this subtitle --

(1) in the case of procurement of defense articles or defense services

(A) under existing contracts or subcontracts, including the exercise of options for production quantities, to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing and so reports to Congress that the person or other entity to which the Presidential action would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing and so reports to Congress that such articles or services are essential to the national security under defense coproduction agreements; or

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to take the Presidential action.

**SEC. 407. PRESIDENTIAL WAIVER.** [22 USC 6447.]

(a) IN GENERAL.--Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that--

(1) the respective foreign government has ceased the violations giving rise to the Presidential action;

(2) the exercise of such waiver authority would further the purposes of this Act; or

(3) the important national interest of the United States requires the exercise of such waiver authority.

(b) CONGRESSIONAL NOTIFICATION.--Not later than the date of the exercise of a waiver under subsection (a), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification thereof.

**SEC. 408. PUBLICATION IN FEDERAL REGISTER.** [22 USC 6448.]

(a) IN GENERAL.--Subject to subsection (b), the President shall cause to be published in the Federal Register the following:

(1) DETERMINATIONS OF COUNTRIES, OFFICIALS, AND ENTITIES OF PARTICULAR CONCERN.--Any designation of a country of particular concern for religious freedom under section 402(b)(1), together with, when applicable and to the extent practicable, the identities of the officials or entities determined to be responsible for the violations under section 402(b)(2).

(2) PRESIDENTIAL ACTIONS.--A description of any Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) and the effective date of the Presidential action.

(3) DELAYS IN TRANSMITTAL OF PRESIDENTIAL ACTION REPORTS.--Any delay in transmittal of a Presidential action report, as described in section 404(b).

(4) WAIVERS.--Any waiver under section 407.

(b) LIMITED DISCLOSURE OF INFORMATION.--The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the President determines that the publication of information under this section--

(1) would be harmful to the national security of the United States; or

(2) would not further the purposes of this Act.

#### **SEC. 409. TERMINATION OF PRESIDENTIAL ACTIONS.** [22 USC 6449.]

Any Presidential action taken under this Act with respect to a foreign country shall terminate on the earlier of the following dates:

(1) TERMINATION DATE.--Within 2 years of the effective date of the Presidential action unless expressly reauthorized by law.

(2) FOREIGN GOVERNMENT ACTIONS.--Upon the determination by the President, in consultation with the Commission, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.

#### **SEC. 410. PRECLUSION OF JUDICIAL REVIEW.** [22 USC 6450.]

No court shall have jurisdiction to review any Presidential determination or agency action under this Act or any amendment made by this Act.

## **Subtitle II-Strengthening Existing Law**

### **SEC. 421. UNITED STATES ASSISTANCE.**

(a) IMPLEMENTATION OF PROHIBITION ON ECONOMIC ASSISTANCE.--Section 116(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(c)) is amended--

(1) in the text above paragraph (1), by inserting "and in consultation with the Ambassador at Large for International Religious Freedom" after "Labor";

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) whether the government--

"(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

"(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), when such efforts could have been reasonably undertaken.".

(b) IMPLEMENTATION OF PROHIBITION ON MILITARY ASSISTANCE.--Section 502B(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)) is amended by adding at the end the following new paragraph:

"(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government--

"(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

"(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.".

**SEC. 422. MULTILATERAL ASSISTANCE.**

Section 701 of the International Financial Institutions Act (22 U.S.C. 262d) is amended by adding at the end the following new subsection:

“(g) In determining whether the government of a country engages in a pattern of gross violations of internationally recognized human rights, as described in subsection (a), the President shall give particular consideration to whether a foreign government--

“(1) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

“(2) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.”.

**SEC. 423. EXPORTS OF CERTAIN ITEMS USED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.** [22 USC 6461.]

(a) MANDATORY LICENSING.--Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, shall include on the list of crime control and detection instruments or equipment controlled for export and re-export under section 6(n) of the Export Administration Act of 1979 (22 U.S.C. App. 2405(n)), or under any other provision of law, items being exported or re-exported to countries of particular concern for religious freedom that the Secretary of Commerce, with the concurrence of the Secretary of State, and in consultation with appropriate officials including the Assistant Secretary of State for Democracy, Human Rights and Labor and the Ambassador at Large, determines are being used or are intended for use directly and in significant measure to carry out particularly severe violations of religious freedom.

(b) LICENSING BAN.--The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) shall apply to the export and re-export of any item included pursuant to subsection (a) on the list of crime control instruments.

**TITLE V-PROMOTION OF RELIGIOUS FREEDOM****SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.**

(a) Findings [21 USC 2151n note.].Congress makes the following findings:

(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

(2) Accordingly, in the provision of foreign assistance, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.

(b) ALLOCATION OF FUNDS FOR PROMOTION OF RELIGIOUS FREEDOM.--Section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)) is amended by inserting “, including the right to free religious belief and practice” after “adherence to civil and political rights”.

## **SEC. 502. INTERNATIONAL BROADCASTING.**

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended--

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) promote respect for human rights, including freedom of religion.”.

## **SEC. 503. INTERNATIONAL EXCHANGES.**

Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)) is amended--

(1) by striking “and” after paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting “; and”; and

(3) by adding at the end the following:

“(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.”.

## **SEC. 504. FOREIGN SERVICE AWARDS.**

(a) PERFORMANCE PAY.--Section 405(d) of the Foreign Service Act of 1980 (22 U.S.C. 3965(d)) is amended by inserting after the first sentence the following: ``Such service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.".

(b) FOREIGN SERVICE AWARDS.--Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended by adding at the end the following new sentence: "Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.".

## **TITLE VI-REFUGEE, ASYLUM, AND CONSULAR MATTERS**

### **SEC. 601. USE OF ANNUAL REPORT.** [22 USC 6471.]

The Annual Report, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien's claim.

### **SEC. 602. REFORM OF REFUGEE POLICY.** [22 USC 6472.]

(a) TRAINING.--Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following new subsection:

“(f)(1) The Attorney General, in consultation with the Secretary of State, shall provide all United States officials adjudicating refugee cases under this section with the same training as that provided to officers adjudicating asylum cases under section 208.

“(2) Such training shall include countryspecific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.”.

(b) TRAINING FOR FOREIGN SERVICE OFFICERS.--Section 708 of the Foreign Service Act of 1980, as added by section 104 of this Act, is further amended--

(1) by inserting “(a)” before “The Secretary of State”; and

(2) by adding at the end the following:

“(b) The Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. The Secretary shall also ensure that any member of the Service who is assigned to a position that may be called upon to assess requests for consideration for refugee admissions, including any consular officer, has completed training on refugee law and refugee adjudications in addition to the training required in this section.”.

(c) GUIDELINES FOR REFUGEE-PROCESSING POSTS.--

(1) GUIDELINES FOR ADDRESSING HOSTILE BIASES.--The Attorney General and the Secretary of State shall develop and implement guidelines that address potential biases in personnel of the Immigration and Naturalization Service and of the Department of State that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a bias against the claimant on the grounds of religion, race, nationality, membership in a particular social group, or political opinion. The subject matter of this training should be culturally sensitive and tailored to provide a nonbiased, non-adversarial atmosphere for the purpose of refugee adjudications.

(2) GUIDELINES FOR REFUGEE-PROCESSING POSTS IN ESTABLISHING AGREEMENTS WITH UNITED STATES GOVERNMENT-DESIGNATED REFUGEE-PROCESSING ENTITIES.--The Attorney General and the Secretary of State shall develop and implement guidelines to ensure uniform procedures for establishing agreements with United States Government-designated refugee processing entities and personnel, and uniform procedures for such entities and personnel responsible for preparing refugee case files for use by the Immigration and Naturalization Service during refugee adjudications. These procedures should ensure, to the extent practicable, that case files prepared by such entities accurately reflect information provided by the refugee applicants and that genuine refugee applicants are not disadvantaged or denied refugee status due to faulty case file preparation.

(3) Not later than 120 days after the date of the enactment of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, the Secretary of State (after consultation with the Attorney General) shall issue guidelines to ensure that persons with potential biases against any refugee applicant, including persons employed by, or otherwise subject to influence by, governments known to be involved in persecution on account of religion, race, nationality, membership in a particular social group, or political opinion, shall not in any way be used in processing determinations of refugee status, including interpretation of conversations or examination of documents presented by such applicants.

(d) ANNUAL CONSULTATION.--The President shall include in each annual report on proposed refugee admissions under section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157

(d)) information about religious persecution of refugee populations eligible for consideration for admission to the United States. The Secretary of State shall include information on religious persecution of refugee populations in the formal testimony presented to the Committees on the Judiciary of the House of Representatives and the Senate during the consultation process under section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)).

**SEC. 603. REFORM OF ASYLUM POLICY.** [22 USC 6473.]

(a) GUIDELINES.--The Attorney General and the Secretary of State shall develop guidelines to ensure that persons with potential biases against individuals on the grounds of religion, race, nationality, membership in a particular social group, or political opinion, including interpreters and personnel of airlines owned by governments known to be involved in practices which would meet the definition of persecution under international refugee law, shall not in any manner be used to interpret conversations between aliens and inspection or asylum officers.

(b) TRAINING FOR ASYLUM AND IMMIGRATION OFFICERS.--The Attorney General, in consultation with the Secretary of State, the Ambassador at Large, and other relevant officials such as the Director of the National Foreign Affairs Training Center, shall provide training to all officers adjudicating asylum cases, and to immigration officers performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)), on the nature of religious persecution abroad, including countryspecific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country in the treatment of various religious practices and believers.

(c) TRAINING FOR IMMIGRATION JUDGES.--The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including countryspecific conditions, and including use of the Annual Report. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.

**SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.**

(a) INELIGIBILITY FOR VISAS OR ADMISSION.--Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

“(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.--Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998, is inadmissible.”.

(b) EFFECTIVE DATE.--The amendment made by subsection (a) shall apply to aliens seeking to enter the United States on or after the date of the enactment of this Act. [8 USC 1182 note.]

**SEC. 605. STUDIES ON THE EFFECT OF EXPEDITED REMOVAL PROVISIONS ON ASYLUM CLAIMS.** [22 USC 6474.]

(a) STUDIES.--

(1) COMMISSION REQUEST FOR PARTICIPATION BY EXPERTS ON REFUGEE AND ASYLUM ISSUES --If the Commission so requests, the Attorney General shall invite experts designated by the Commission, who are recognized for their expertise and knowledge of refugee and asylum issues, to conduct a study, in cooperation with the Comptroller General of the United States, to determine whether immigration officers described in paragraph (2) are engaging in any of the conduct described in such paragraph.

(2) DUTIES OF COMPTROLLER GENERAL.--The Comptroller General of the United States shall conduct a study alone or, upon request by the Commission, in cooperation with experts designated by the Commission, to determine whether immigration officers performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) with respect to aliens who may be eligible to be granted asylum are engaging in any of the following conduct:

(A) Improperly encouraging such aliens to withdraw their applications for admission.

(B) Incorrectly failing to refer such aliens for an interview by an asylum officer for a determination of whether they have a credible fear of persecution (within the meaning of section 235(b)(1)(B)(v) of such Act).

(C) Incorrectly removing such aliens to a country where they may be persecuted.

(D) Detaining such aliens improperly or in inappropriate conditions.

(b) Reports.

(1) Participation by experts.In the case of a Commission request under subsection (a), the experts designated by the Commission under that subsection may submit a report to the

committees described in paragraph (2). Such report may be submitted with the Comptroller General's report under subsection (a)(2) or independently.

(2) Duties of comptroller general. Not later than September 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the results of the study conducted under subsection (a)(2). If the Commission requests designated experts to participate with the Comptroller General in the preparation and submission of the report, the Comptroller General shall grant the request.

(c) ACCESS TO PROCEEDINGS.--

(1) IN GENERAL.--Except as provided in paragraph (2), to facilitate the studies and reports, the Attorney General shall permit the Comptroller General of the United States and, in the case of a Commission request under subsection (a), the experts designated under subsection (a) to have unrestricted access to all stages of all proceedings conducted under section 235(b) of the Immigration and Nationality Act.

(2) EXCEPTIONS.--Paragraph (1) shall not apply in cases in which the alien objects to such access, or the Attorney General determines that the security of a particular proceeding would be threatened by such access, so long as any restrictions on the access of experts designated by the Commission under subsection (a) do not contravene international law.

## **TITLE VII-MISCELLANEOUS PROVISIONS**

### **SEC. 701. BUSINESS CODES OF CONDUCT.** [22 USC 6481.]

(a) CONGRESSIONAL FINDING.-Congress recognizes the increasing importance of transnational corporations as global actors, and their potential for providing positive leadership in their host countries in the area of human rights.

(b) SENSE OF THE CONGRESS.--It is the sense of the Congress that transnational corporations operating overseas, particularly those corporations operating in countries the governments of which have engaged in or tolerated violations of religious freedom, as identified in the Annual Report, should adopt codes of conduct--

(1) upholding the right to freedom of religion of their employees; and

(2) ensuring that a worker's religious views and peaceful practices of belief in no way affect, or be allowed to affect, the status or terms of his or her employment.

## LEGISLATIVE HISTORY

Public Law 114-71: S.2078. Passed Senate September 30, 2015. Passed House October 6, 2015. Approved October 26, 2015.

Public Law 113-271: H.R. 5816. Passed House December 10, 2014. Passed Senate December 15, 2014. Approved December 18, 2014.

Public Law 112-75: HR 2867. Passed House September 15, 2011. Passed Senate December 16, 2011. Approved December 23, 2011.

Public Law 107-228: H.R. 1646 (S. 1401): HOUSE REPORTS: Nos. 107-57 (Comm. on International Relations) and 107-671 (Comm. of Conference). SENATE REPORTS: No. 107-60 accompanying S. 1401 (Comm. on Foreign Relations). CONGRESSIONAL RECORD: Vol. 147 (2001): May 16, considered and passed House. Vol. 148 (2002): May 1, considered and passed Senate, amended. Sept. 25, House agreed to conference report. Sept. 26, Senate agreed to conference report. Approved September 30, 2002. WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002): Sept. 30, Presidential statement.

Public Law 105-292: H.R. 2431. HOUSE REPORTS: No. 105480, Pt. 1 (Comm. on International Relations), Pt. 2 (Comm. on Ways and Means), and Pt. 3 (Comm. on the Judiciary). CONGRESSIONAL RECORD, Vol. 144 (1998): May 14, considered and passed House; Oct. 8, 9, considered and passed Senate, amended; Oct. 10, House concurred in Senate amendments. Approved October 27, 1998. WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998): Oct. 27, Presidential statement.

Public Law 106-55: S. 1546. CONGRESSIONAL RECORD, Vol. 145 (1999): Aug. 5, considered and passed Senate and House. Approved August 17, 1999.



# United States Commission *on* International Religious Freedom

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## Frank R. Wolf International Religious Freedom Act

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Public Law No: 114-281 (12/16/2016)

### Frank R. Wolf International Religious Freedom Act

#### An Act

To amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the ``Frank R. Wolf International Religious Freedom Act".

(b) Table of Contents.--The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; policy; sense of Congress.

Sec. 3. Definitions.

### TITLE I--DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.

Sec. 102. Annual Report on International Religious Freedom.

Sec. 103. Training for Foreign Service officers.

Sec. 104. Prisoner lists and issue briefs on religious freedom concerns.

## **TITLE II--NATIONAL SECURITY COUNCIL**

Sec. 201. Special Adviser for International Religious Freedom.

## **TITLE III--PRESIDENTIAL ACTIONS**

Sec. 301. Non-state actor designations.

Sec. 302. Presidential actions in response to particularly severe violations of religious freedom.

Sec. 303. Report to Congress.

Sec. 304. Presidential waiver.

Sec. 305. Publication in the Federal Register.

## **TITLE IV--PROMOTION OF RELIGIOUS FREEDOM**

Sec. 401. Assistance for promoting religious freedom.

## **TITLE V--DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM**

Sec. 501. Designated Persons List for Particularly Severe Violations of Religious Freedom.

## **TITLE VI--MISCELLANEOUS PROVISIONS**

Sec. 601. Miscellaneous provisions.

Sec. 602. Clerical amendments.

## **SEC. 2. FINDINGS; POLICY; SENSE OF CONGRESS.**

(a) Findings.--Section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) is amended--

(1) in paragraph (3), by inserting ``The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion." before ``Governments";

(2) in paragraph (4), by adding at the end the following: ``A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country."; and

(3) in paragraph (6)--

(A) by inserting ``and the specific targeting of non-theists, humanists, and atheists because of their beliefs" after ``religious persecution"; and

(B) by inserting ``and in regions where non-state actors exercise significant political power and territorial control" before the period at the end.

(b) Policy.--Section 2(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(b)) is amended--

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E);

(2) by striking the matter preceding subparagraph (A), as redesignated, and inserting the following:

``(1) In general.--The following shall be the policy of the United States:"; and

(3) by adding at the end the following:

``(2) Evolving policies and coordinated diplomatic responses.--Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies and diplomatic

responses that--

“(A) are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and nongovernmental organizations; and

“(B) are coordinated across and carried out by the entire range of Federal agencies.”.

(c) Sense of Congress.--It is the sense of Congress that--

(1) a policy or practice by the government of any foreign country of routinely denying visa applications for religious workers can be indicative of a poor state of religious freedom in that country; and

(2) the United States Government should seek to reverse any such policy by reviewing the entirety of the bilateral relationship between such country and the United States.

### **SEC. 3. DEFINITIONS.**

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended--

(1) by redesignating paragraph (13) as paragraph (16);

(2) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

(3) by inserting after paragraph (9) the following:

“(10) Institution of higher education.--The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(11) Non-state actor.--The term ‘non-state actor’ means a nonsovereign entity that--

“(A) exercises significant political power and territorial control;

“(B) is outside the control of a sovereign government; and

“(C) often employs violence in pursuit of its objectives.”;

(4) by inserting after paragraph (14), as redesignated, the following:

“(15) Special watch list.--The term ‘Special Watch List’ means the Special Watch List described in section 402(b)(1)(A)(iii).”; and

(5) in paragraph (16), as redesignated--

(A) in subparagraph (A)--

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by inserting after clause (iii) the following:

“(iv) not professing a particular religion, or any religion;”; and

(B) in subparagraph (B)--

(i) by inserting “conscience, non-theistic views, or” before “religious belief or practice”; and

(ii) by inserting “forcibly compelling non-believers or non-theists to recant their beliefs or to convert,” after “forced religious conversion,”.

## **TITLE I--DEPARTMENT OF STATE ACTIVITIES**

### **SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.**

(a) In General.--Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended--

(1) in subsection (b), by inserting “, and shall report directly to the Secretary of State” before the period at the end;

(2) in subsection (c)--

(A) in paragraph (1)--

- (i) by striking ``responsibility" and inserting ``responsibilities";
- (ii) by striking ``shall be to advance" and inserting the following: ``shall be to--  
 ``(A) advance";
- (iii) in subparagraph (A), as redesignated, by striking the period at the end and inserting ``; and"; and
- (iv) by adding at the end the following:  
 ``(B) integrate United States international religious freedom policies and strategies into the foreign policy efforts of the United States.";
- (B) in paragraph (2), by inserting ``the principal adviser to" before ``the Secretary of State";
- (C) in paragraph (3)--
  - (i) in subparagraph (A), by striking ``and" at the end;
  - (ii) in subparagraph (B), by striking the period at the end and inserting ``; and"; and
  - (iii) by adding at the end the following:  
 ``(C) contacts with nongovernmental organizations that have an impact on the state of religious freedom in their respective societies or regions, or internationally.";
- (D) by redesignating paragraph (4) as paragraph (5); and
- (E) by inserting after paragraph (3) the following:  
 ``(4) Coordination responsibilities.--In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large--
  - ``(A) shall coordinate international religious freedom policies across all programs, projects, and activities of the United States; and
  - ``(B) should participate in any interagency processes on issues in which the promotion of international religious freedom policy can advance

United States national security interests, including in democracy promotion, stability, security, and development globally."; and

(3) in subsection (d), by striking ``staff for the Office" and all that follows and inserting ``appropriate staff for the Office, including full-time equivalent positions and other temporary staff positions needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out this Act. The Secretary of State should provide the Ambassador at Large with sufficient funding to carry out the duties described in this section, including, as necessary, representation funds. On the date on which the President's annual budget request is submitted to Congress, the Secretary shall submit an annual report to the appropriate congressional committees that includes a report on staffing levels for the International Religious Freedom Office.".

(b) Sense of Congress.--It is the sense of Congress that maintaining an adequate staffing level at the Office, such as was in place during fiscal year 2016, is necessary for the Office to carry out its important work.

## **SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.**

(a) In General.--Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended--

(1) in the matter preceding subparagraph (A), by striking ``September 1" and inserting ``May 1";

(2) in subparagraph (A)--

(A) in clause (iii), by striking ``; and" and inserting ``as well as the routine denial of visa applications for religious workers;";

(B) by redesignating clause (iv) as clause (vii);  
and

(C) by inserting after clause (iii) the following:

“(iv) particularly severe violations of religious freedom in that country if such country does not have a functioning government or the government of such country does not control its territory;

“(v) the identification of prisoners, to the extent possible, in that country pursuant to section 108(d);

“(vi) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used; and”;

(3) in subparagraph (B), in the matter preceding clause (i)--

(A) by inserting “persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision,” after “entire religions,”; and

(B) by inserting “policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country,” after “such groups,”;

(4) in subparagraph (C), by striking “A description of United States actions and” and inserting “A detailed description of United States actions, diplomatic and political coordination efforts, and other”; and

(5) in subparagraph (F)(i)--

(A) by striking “section 402(b)(1)” and inserting “section 402(b)(1)(A)(ii)”; and

(B) by adding at the end the following: “Any

country in which a non-state actor designated as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act is located shall be included in this section of the report."

(b) Sense of Congress.--It is the sense of Congress that--

(1) the original intent of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) was to require annual reports from both the Department of State and the Commission on International Religious Freedom to be delivered each year, during the same calendar year, and with at least 5 months separating these reports, in order to provide updated information for policymakers, Members of Congress, and nongovernmental organizations; and

(2) given that the annual Country Reports on Human Rights Practices no longer contain updated information on religious freedom conditions globally, it is important that the Department of State coordinate with the Commission to fulfill the original intent of the International Religious Freedom Act of 1998.

### **SEC. 103. TRAINING FOR FOREIGN SERVICE OFFICERS.**

(a) Amendments to Foreign Service Act of 1980.--Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended--

(1) in subsection (a)--

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking "(a) The Secretary of State" and inserting the following:

"(a) Human Rights, Religious Freedom, and Human Trafficking Training.--

"(1) In general.--The Secretary of State"; and

(C) by adding at the end the following:

"(2) Religious freedom training.--

“(A) In general.--In carrying out the training required under paragraph (1)(B), the Director of the George P. Shultz National Foreign Affairs Training Center shall, not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, conduct training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall be included in--

“(i) the A-100 course attended by all Foreign Service officers;

“(ii) the courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country; and

“(iii) the courses required of all outgoing deputy chiefs of mission and ambassadors.

“(B) Development of curriculum.--In carrying out the training required under paragraph (1)(B), the Ambassador at Large for International Religious Freedom, in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials, as appropriate, and in consultation with the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)), shall make recommendations to the Secretary of State regarding a curriculum for the training of United States Foreign Service officers under paragraph (1)(B) on the scope and strategic value of

international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State should ensure the availability of sufficient resources to develop and implement such curriculum.

“(C) Information sharing.--The curriculum and training materials developed under this paragraph shall be shared with the United States Armed Forces and other Federal departments and agencies with personnel who are stationed overseas, as appropriate, to provide training on--

- “(i) United States religious freedom policies;
- “(ii) religious traditions;
- “(iii) religious engagement strategies;
- “(iv) religious and cultural issues; and
- “(v) efforts to counter violent religious extremism.”;

(2) in subsection (b), by striking “The Secretary of State” and inserting “Refugees.--The Secretary of State”; and

(3) in subsection (c), by striking “The Secretary of State” and inserting “Child Soldiers.--The Secretary of State”.

(b) Report.--Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the assistance of the Ambassador at Large for International Religious Freedom, and the Director of the Foreign Service Institute, located at the George P. Shultz National Foreign Affairs Training Center, shall

submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a plan for undertaking training for Foreign Service officers under section 708 of the Foreign Services Act of 1980, as amended by subsection (a).

## **SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.**

Section 108 of the International Religious Freedom Act of 1998 (22 U.S.C. 6417) is amended--

(1) in subsection (b), by striking ``faith," and inserting ``activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion,";

(2) in subsection (c), by striking ``, as appropriate, provide" and insert ``make available"; and

(3) by adding at the end the following:

``(d) Victims List Maintained by the United States Commission on International Religious Freedom.--

``(1) In general.--The Commission shall make publicly available, to the extent practicable, online and in official publications, lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a country of particular concern for religious freedom under section 402(b)(1)(A)(ii) or by a non-state actor that the Commission recommends for designation as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and include as much publicly available information as practicable on the conditions and circumstances of such persons.

``(2) Discretion.--In compiling lists under paragraph (1),

the Commission shall exercise all appropriate discretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and the families of such persons."

## **TITLE II--NATIONAL SECURITY COUNCIL**

### **SEC. 201. SPECIAL ADVISER FOR INTERNATIONAL RELIGIOUS FREEDOM.**

The position described in section 101(k) of the National Security Act of 1947 (50 U.S.C. 3021(k)) should assist the Ambassador at Large for International Religious Freedom to coordinate international religious freedom policies and strategies throughout the executive branch and within any interagency policy committee of which the Ambassador at Large is a member.

## **TITLE III--PRESIDENTIAL ACTIONS**

### **SEC. 301. NON-STATE ACTOR DESIGNATIONS.**

(a) In General.--The President, concurrent with the annual foreign country review required under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)), shall--

(1) review and identify any non-state actors operating in any such reviewed country or surrounding region that have engaged in particularly severe violations of religious freedom; and

(2) designate, in a manner consistent with such Act, each such non-state actor as an entity of particular concern for religious freedom.

(b) Report.--Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designation is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

(c) Actions.--The President should take specific actions, when practicable, to address severe violations of religious freedom of non-state actors that are designated under subsection (a)(2).

(d) Department of State Annual Report.--The Secretary of State should include information detailing the reasons the President designated a non-state actor as an entity of particular concern for religious freedom under subsection (a) in the Annual Report required under section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)).

(e) Sense of Congress.--It is the sense of Congress that--

(1) the Secretary of State should work with Congress and the U.S. Commission on International Religious Freedom--

(A) to create new political, financial, and diplomatic tools to address severe violations of religious freedom by non-state actors; and

(B) to update the actions the President can take under section 405 of the International Religious Freedom Act of 1998 (22 U.S.C. 6445);

(2) governments must ultimately be held accountable for the abuses that occur in their territories; and

(3) any actions the President takes after designating a non-state actor as an entity of particular concern should also involve high-level diplomacy with the government of the country in which the non-state actor is operating.

(f) Determinations of Responsible Parties.--In order to appropriately target Presidential actions under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), the President, with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), shall seek to determine, to the extent practicable, the specific officials or members that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by such non-state actor.

(g) Definitions.--In this section, the terms ``appropriate congressional committees'', ``non-state actor'', and ``particularly severe violations of religious freedom'' have the meanings given such

terms in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), as amended by section 3 of this Act.

## **SEC. 302. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.**

Section 402 of the International Religious Freedom Act of 1998 (22 U.S.C. 6442) is amended--

(1) in subsection (b)--

(A) in paragraph (1)--

(i) by amending subparagraph (A) to read as follows:

“(A) In general.--Not later than 90 days after the date on which each Annual Report is submitted under section 102(b), the President shall--

“(i) review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer;

“(ii) designate each country the government of which has engaged in or tolerated violations described in clause (i) as a country of particular concern for religious freedom; and

“(iii) designate each country that engaged in or tolerated severe violations of religious freedom during the previous year, but does not meet, in the opinion of the President at the time of publication of the Annual Report, all of the criteria described in section 3(15) for designation under clause (ii) as being placed on a ‘Special Watch List’.”; and

(ii) in subparagraph (C), by striking “prior to September 1 of the respective year” and inserting “before the date on which each Annual

Report is submitted under section 102(b)";

(B) by amending paragraph (3) to read as follows:

“(3) Congressional notification.--

“(A) In general.--Whenever the

President designates a country as a country of particular concern for religious freedom under paragraph (1)(A)(ii), the President, not later than 90 days after such designation, shall submit to the appropriate congressional committees--

“(i) the designation of the country, signed by the President;

“(ii) the identification, if any, of responsible parties determined under paragraph (2); and

“(iii) a description of the actions taken under subsection (c), the purposes of the actions taken, and the effectiveness of the actions taken.

“(B) Removal of

designation.--A country that is designated as a country of particular concern for religious freedom under paragraph (1)(A)(ii) shall retain such designation until the President determines and reports to the appropriate congressional committees that the country should no longer be so designated."; and

(C) by adding at the end the following:

“(4) Effect on designation as country of particular concern.--The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A)(ii) in any such year."; and

(2) in subsection (c)(5), by striking “the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection.” and inserting “the President shall designate the specific sanction or sanctions that the President determines satisfy the requirements under this subsection and include a description of the impact of such

sanction or sanctions on each country."

### **SEC. 303. REPORT TO CONGRESS.**

Section 404(a)(4)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6444(a)(4)(A)) is amended--

- (1) in clause (ii), by striking ``and" at the end;
- (2) in clause (iii), by striking the period at the end and inserting ``; and"; and
- (3) by adding at the end the following:
  - ``(iv) the impact on the advancement of United States interests in democracy, human rights, and security, and a description of policy tools being applied in the country, including programs that target democratic stability, economic growth, and counterterrorism.".

### **SEC. 304. PRESIDENTIAL WAIVER.**

Section 407 of the International Religious Freedom Act of 1998 (22 U.S.C. 6447) is amended--

- (1) in subsection (a)--
  - (A) by striking ``subsection (b)" and inserting ``subsection (c)";
  - (B) by inserting ``, for a single, 180-day period," after ``may waive";
  - (C) by striking paragraph (1); and
  - (D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;
- (2) by redesignating subsection (b) as subsection (c);
- (3) by inserting after subsection (a) the following:

``(b) Additional Authority.--Subject to subsection (c), the President may waive, for any additional specified period of time after the 180-day period described in subsection (a), the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or a commensurate

substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that--

“(1) the respective foreign government has ceased the violations giving rise to the Presidential action; or

“(2) the important national interest of the United States requires the exercise of such waiver authority.”;

(4) in subsection (c), as redesignated, by inserting “or (b)” after “subsection (a)”; and

(5) by adding at the end the following:

“(d) Sense of Congress.--It is the sense of Congress that--

“(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate substitute action) with respect to a country do not fulfill the purposes of this Act; and

“(2) because the promotion of religious freedom is an important interest of United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 405 or other commensurate substitute action.”.

## **SEC. 305. PUBLICATION IN THE FEDERAL REGISTER.**

Section 408(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6448(a)(1)) is amended by adding at the end the following:

“Any designation of a non-state actor as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.”.

## **TITLE IV--PROMOTION OF RELIGIOUS FREEDOM**

### **SEC. 401. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.**

(a) Availability of Assistance.--It is the sense of Congress that for each fiscal year that begins on or after the date of the enactment of this Act, the President should request sufficient appropriations from Congress to support--

(1) the vigorous promotion of international religious freedom and for projects to advance United States interests in the protection and advancement of international religious freedom, in particular, through grants to groups that--

(A) are capable of developing legal protections or promoting cultural and societal understanding of international norms of religious freedom;

(B) seek to address and mitigate religiously motivated and sectarian violence and combat violent extremism; or

(C) seek to strengthen investigations, reporting, and monitoring of religious freedom violations, including genocide perpetrated against religious minorities; and

(2) the establishment of an effective Religious Freedom Defense Fund, to be administered by the Ambassador at Large for International Religious Freedom, to provide grants for--

(A) victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions; and

(B) projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to create advocacy networks, strengthen legal representation, train and educate new religious freedom defenders, and build the capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to freedom of religion.

(b) Preference.--It is the sense of Congress that, in providing grants under subsection (a), the Ambassador at Large for International Religious Freedom should, as appropriate, give preference to projects targeting religious freedom violations in countries--

(1) designated as countries of particular concern for religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)); or

(2) included on the Special Watch List described in section 402(b)(1)(A)(iii) of the International Religious Freedom Act of 1998, as added by section 302(1)(A)(i) of this Act.

(c) Administration and Consultations.--

(1) Administration.--Amounts made available under subsection (a) shall be administered by the Ambassador at Large for International Religious Freedom.

(2) Consultations.--In developing priorities and policies for providing grants authorized under subsection (a), including programming and policy, the Ambassador at Large for International Religious Freedom should consult with other Federal agencies, including the United States Commission on International Religious Freedom and, as appropriate, nongovernmental organizations.

## **TITLE V--DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM**

### **SEC. 501. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.**

Title VI of the International Religious Freedom Act of 1998 (22 U.S.C. 6471 et seq.) is amended--

(1) by redesignating section 605 as section 606; and

(2) by inserting after section 604 the following:

``SEC. 605. DESIGNATED PERSONS LIST FOR  
PARTICULARLY SEVERE VIOLATIONS OF  
RELIGIOUS FREEDOM.

``(a) List.--

``(1) In general.--

The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts, shall establish and maintain a list of foreign individuals to whom a consular post has denied a visa on the grounds of particularly severe violations of religious freedom under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)), or who are subject to financial sanctions or other measures for particularly severe violations of freedom religion.

``(2) Reference.--The list required under paragraph (1) shall be known as the 'Designated Persons List for Particularly Severe Violations of Religious Freedom'.

``(b) Report.--

``(1) In general.--The Secretary of State shall submit a report to the appropriate congressional committees that contains the list required under subsection (a), including, with respect to each foreign individual on the list--

``(A) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;

``(B) the name of the country or other location in which such violation took place; and

``(C) a description of the actions taken pursuant to this Act or any other Act or Executive order in response to such violation.

``(2) Submission and updates.--The Secretary of State shall submit to the appropriate congressional committees--

``(A) the initial report required under paragraph (1) not later than 180 days after the date of the

enactment of the Frank R. Wolf International Religious Freedom Act; and

“(B) updates to the report every 180 days thereafter and as new information becomes available.

“(3) Form.--The report required under paragraph (1) should be submitted in unclassified form but may contain a classified annex.

“(4) Definition.--In this subsection, the term ‘appropriate congressional committees’ means--

“(A) the Committee on Foreign Relations of the Senate;

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

“(D) the Committee on Foreign Affairs of the House of Representatives;

“(E) the Committee on Appropriations of the House of Representatives; and

“(F) the Committee on Financial Services of the House of Representatives.”.

## **TITLE VI--MISCELLANEOUS PROVISIONS**

### **SEC. 601. MISCELLANEOUS PROVISIONS.**

Title VII of the International Religious Freedom Act of 1998 (22 U.S.C. 6481 et seq.) is amended by adding at the end the following:

“SEC. 702. VOLUNTARY CODES OF CONDUCT FOR  
UNITED STATES INSTITUTIONS OF HIGHER  
EDUCATION OUTSIDE THE UNITED STATES.

“(a) Finding.--Congress recognizes the enduring importance of United States institutions of higher education worldwide--

“(1) for their potential for shaping positive leadership and new educational models in host countries; and

“(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

“(b) Sense of Congress.--It is the sense of Congress that United States institutions of higher education operating campuses outside the United States or establishing any educational entities with foreign governments, particularly with or in countries the governments of which engage in or tolerate severe violations of religious freedom as identified in the Annual Report, should seek to adopt a voluntary code of conduct for operating in such countries that should--

“(1) uphold the right of freedom of religion of their employees and students, including the right to manifest that religion peacefully as protected in international law;

“(2) ensure that the religious views and peaceful practice of religion in no way affect, or be allowed to affect, the status of a worker's or faculty member's employment or a student's enrollment; and

“(3) make every effort in all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to protect academic freedom and the rights enshrined in the United Nations Declaration of Human Rights.

“SEC. 703. SENSE OF CONGRESS REGARDING  
NATIONAL SECURITY STRATEGY TO PROMOTE  
RELIGIOUS FREEDOM THROUGH UNITED STATES  
FOREIGN POLICY.

“It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043)--

“(1) should promote international religious freedom as a foreign policy and national security priority; and

“(2) should articulate that promotion of the right to freedom of religion is a strategy that--

“(A) protects other, related human rights, and

advances democracy outside the United States; and

“(B) makes clear its importance to United States foreign policy goals of stability, security, development, and diplomacy;

“(3) should be a guide for the strategies and activities of relevant Federal agencies; and

“(4) should inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State Quadrennial Diplomacy and Development Review.”.

## **SEC. 602. CLERICAL AMENDMENTS.**

The table of contents of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 note) is amended--

(1) by striking the item relating to section 605 and inserting the following:

“Sec. 606. Studies on the effect of expedited removal provisions on asylum claims.”;

(2) by inserting after the item relating to section 604 the following:

“Sec. 605. Designated Persons List for Particularly Severe Violations of Religious Freedom.”;

and

(3) by adding at the end the following:

“Sec. 702. Voluntary codes of conduct for United States institutions of higher education operating outside the United States.

“Sec. 703. Sense of Congress regarding national security strategy to promote religious freedom through United States foreign policy.”.

Approved December 16, 2016.



# UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

## WHAT USCIRF IS

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). The broad-based coalition that advocated strongly for IRFA's enactment sought to elevate the fundamental human right of religious freedom as a central component of U.S. foreign policy. By statute, USCIRF monitors the universal right to freedom of religion or belief abroad—not in the United States—using international standards to do so, and makes policy recommendations to the President, Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. A professional, non-partisan staff supports USCIRF's work. While USCIRF is separate from the State Department, the Department's Ambassador-at-Large for International Religious Freedom is a non-voting ex officio Commissioner.

## WHAT IS RELIGIOUS FREEDOM ABROAD

Religious freedom is an important human right recognized in international law and treaties. Article 18 of the Universal Declaration of Human Rights affirms that: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." The freedom of religion or belief is an expansive right that includes the freedoms of thought and conscience, and is intertwined with the freedoms of expression, association, and assembly. The promotion of this freedom is a necessary component of U.S. foreign policy.

## WHAT USCIRF DOES

- **Issues an Annual Report** by May 1st of each year. The report assesses the U.S. government's implementation of IRFA; recommends countries that the Secretary of State should designate as "Countries of Particular Concern" for engaging in or tolerating "systematic, ongoing, egregious violations of religious freedom;" documents country conditions in about 30 countries; reports on significant trends; and makes recommendations for U.S. policy. Unlike the State

Department's separate and distinct international religious freedom report, USCIRF's Annual Report includes specific policy recommendations.

- **Engages Congress** by working with Congressional offices, advising on legislation, testifying at hearings, and holding briefings on religious freedom issues. For example, USCIRF has engaged Congress on issues such as: protecting international religious freedom; the danger of anti-blasphemy laws; genocide; refugees, religious freedom abuses in China, Egypt, Iran, Syria, Vietnam, and other countries; anti-Semitism and anti-Muslim bias in Europe; and the plight of prisoners of conscience around the world.
- **Engages the Executive Branch:** USCIRF regularly meets with Executive Branch officials, including at the Departments of State and Homeland Security, to share information, highlight situations of concern, and discuss USCIRF's recommendations for U.S. policy.
- **Documents Religious Freedom Conditions Abroad** by meeting with senior government officials, representatives of nongovernmental organizations, religious leaders, victims of persecution, and other stakeholders promoting religious freedom. Countries visited include: Afghanistan, Azerbaijan, Bahrain, Bangladesh, Belarus, Burma, Central African Republic, China, Egypt, Eritrea, Ethiopia, Indonesia, Iraq, Nigeria, Pakistan, Russia, Saudi Arabia, Sri Lanka, Sudan, Syria, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- **Issues Reports with Recommendations, Press Releases, Op-Eds, and Journal Articles** on topics including: the global use of blasphemy laws; Putin imperiling religious freedom in Russia; religious prisoners of conscience; global religious freedom helping support women's rights; sectarian violence; religious freedom abuses in Burma; anti-Semitism; and the U.S. government's treatment of asylum seekers in Expedited Removal.
- **Engages Multilaterally** in meetings related to religious freedom and tolerance, including at the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the European Union, and with the International Panel of Parliamentarians for Freedom for Religion or Belief (IPP-FoRB).



# United States Commission *on* International Religious Freedom

## Frequently Asked Questions

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### **1. What is the U. S. Commission on International Religious Freedom (USCIRF) and how was it created?**

USCIRF is an independent, bipartisan, U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA) that monitors the universal right to freedom of religion or belief abroad. USCIRF uses international standards to monitor religious freedom violations globally, and makes policy recommendations to the President, the Secretary of State, and Congress.

### **2. Who is on the Commission and how are Commissioners selected?**

USCIRF is composed of nine private sector commissioners who volunteer their time in support of USCIRF's mandate, and the U.S. Ambassador-at-Large for International Religious Freedom, who is a non-voting member. Commissioners are appointed by the President and Democratic and

Republican leaders in the House and Senate. USCIRF is a congressionally created entity, not a non-governmental organization, interest group, or advocacy organization.

The current Commissioners are: [Dr. Daniel Mark \(Chairman\)](#), [Sandra Jolley \(Vice Chairwoman\)](#), [Kristina Arriaga de Bucholz \(Vice Chairwoman\)](#), [Rev. Thomas J. Reese](#), [Tenzin Dorjee](#), [Clifford D. May](#), [Dr. John Ruskay](#), and [Ambassador Jackie Wolcott](#).

IRFA mandates that three Commissioners are selected by the President, two by the leaders of the President's party in Congress, and four by the congressional leaders of the party not in the White House. Commissioners are appointed for two year terms, and are eligible for reappointment. According to IRFA, Commissioners are "selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law."

### **3. What is the difference between USCIRF and the State Department's Office of International Religious Freedom?**

USCIRF is an independent, bipartisan federal government entity, while the Office of International Religious Freedom (IRF) — also established under IRFA—is part of the U.S. State Department. Both USCIRF and the State Department release annual reports on international religious freedom, but each has different purposes. The State Department's report documents religious freedom violations in every country in the world. USCIRF's Annual Report, by statute, recommends countries to be designated as "countries of particular concern" which the Executive Branch must consider. The report also examines select countries, and while also documenting abuses, makes policy recommendations to the executive and legislative branches of government. USCIRF's report also comments on the effectiveness of the State Department's efforts to promote international religious freedom.

### **4. How does USCIRF define violations of religious freedom and is USCIRF trying to impose American values or the American conception of separation of church and state on other countries?**

USCIRF monitors religious freedom through the lens of international human rights standards, such as those found in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Article 18 of the Universal Declaration of Human Rights provides that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest this religion or belief in teaching, practice, worship and observance." By relying on international human rights standards as specified in

IRFA, USCIRF is not attempting to impose American values on other nations, but rather examines the actions of foreign governments against these universal standards and by their freely undertaken international commitments.

## **5. What are “countries of particular concern” (CPCs) and which countries has USCIRF recommended to be designated as CPCs?**

The International Religious Freedom Act requires the President, who has delegated this function to the Secretary of State, to designate as “countries of particular concern,” or CPCs, those countries that commit systematic, ongoing, and egregious violations of religious freedom. Pursuant to IRFA, USCIRF recommends the countries that, in its view, meet the CPC threshold and should be so designated. For countries designated as CPCs, IRFA provides the Secretary of State with a range of flexible and specific policy options (referred to as Presidential actions) to address serious violations of religious freedom. These options, which can include sanctions or a waiver of actions, are not automatically imposed.

USCIRF has recommended that the following 17 countries be designated as CPCs for 2017: [Burma](#), [Central African Republic](#), [China](#), [Eritrea](#), [Iran](#), [Nigeria](#), [North Korea](#), [Pakistan](#), [Russia](#), [Saudi Arabia](#), [Sudan](#), [Syria](#), [Tajikistan](#), [Turkmenistan](#), [Uzbekistan](#), and [Vietnam](#).

## **6. What is USCIRF’s “Tier 2,” and what countries are included on this list?**

USCIRF has established a Tier 2 (formerly USCIRF’s Watch List) of countries in which religious freedom conditions do not rise to the statutory level that would mandate a CPC designation but require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by governments.

USCIRF has placed the following 10 countries on the Tier 2 List for 2017: [Afghanistan](#), [Azerbaijan](#), [Bahrain](#), [Cuba](#), [Egypt](#), [India](#), [Indonesia](#), [Iraq](#), [Kazakhstan](#), [Laos](#), [Malaysia](#), and [Turkey](#).

## **7. What are some of the issues USCIRF has addressed in its work and advocacy?**

Along with focusing on specific countries, USCIRF also has addressed a range of issues including, because of an explicit mandate in IRFA, the domestic issue of asylum seekers in the expedited removal process.

- **Blasphemy Laws:** Blasphemy laws are a vehicle for egregious violations of religious freedom and related human rights in a number of countries and a longstanding USCIRF concern. These laws punish expression deemed blasphemous (contemptuous of God or sacred things), defamatory of religion, or insulting to religion or religious symbols, figures, or feelings. Not only do they threaten the individual right to the freedoms of religion and expression, they also violate international

standards, including Article 18 of the International Declaration of Human Rights, which affirms that everyone has the right to freedom of thought, conscience, and religion.

These bans also inappropriately position governments as arbiters of truth or religious rightness as they empower officials to enforce particular religious views against individuals and minorities. They also exacerbate religious intolerance and discrimination, and embolden extremists to commit violent acts against perceived blasphemers. Furthermore, blasphemy charges – which often are based on false accusations — have been used for political purposes, and those detained, charged, or sentenced face violence and death.

In March 2014, USCIRF issued a policy brief, [Prisoners of Belief: Individuals Jailed under Blasphemy Laws](#), which surveyed the global use of these laws and highlighted numerous blasphemy cases and prisoners. USCIRF also spoke out on the issue through press releases and op-eds, such as a March 2016 [press release calling for the reform and repeal of Pakistan's blasphemy laws](#), a January 2015 [press release condemning the Saudi government's flogging of blogger Raif Badawi](#), a February 2015 [op-ed calling for the repeal of blasphemy laws](#), and a February 2014 [press release expressing concern about Russia's new blasphemy law](#),

- **Countering Religiously-Motivated Extremist Violence:** Developments of the past decade have strengthened attention to the importance of freedom of thought, conscience, religion or belief, as the U.S. government navigates a world threatened by religion-based extremism and religion-imbued conflict. The issue of religious freedom has had a profound impact on America's national security interests, as well as on stability throughout the world. Whether in the Middle East, Africa, South and East Asia, Europe or elsewhere, religion and the striving for religious freedom have often been explicit or implicit factors in civil strife. By the same token, religion also has been a powerful voice in building rule-of-law human rights-based democracies, as well as promoting post-conflict reconciliation. A growing body of research indicates that religious freedom is a positive factor in enabling societies to be prosperous and stable.
- **Defending Freedoms Project:** The Tom Lantos Human Rights Commission launched an initiative in the House of Representatives, in conjunction with the U.S. Commission on International Religious Freedom (USCIRF) and Amnesty International, called the Defending Freedoms Project. The initiative aims to draw attention to prisoners of conscience around the world and ultimately to get Members of Congress to “adopt” these prisoners, thereby committing to advocate on their behalf and highlight the country conditions that led to their imprisonment. Currently, there are about 70 prisoners of conscience highlighted by the project, ranging from religious leaders to journalists and human rights defenders from all across the world. View information on the Defending Freedoms Project [here](#).

On January 16, 2014, USCIRF testified before the Tom Lantos Human Rights Commission on [“Defending Freedoms: Highlighting the Plight of Prisoners of Conscience around the World.”](#) During the hearing, Members of Congress heard testimony from former prisoners of conscience and family members of current prisoners. USCIRF also issued a December 9, 2014 press release entitled [“Remembering Prisoners of Conscience on Human Rights](#)

[Day.](#)" Additionally, USCIRF published an op-ed in the *Wall Street Journal* on May 20, 2014 entitled "[Iran's Forgotten Prisoners of Conscience](#)" and in *The Hill* on January 27, 2014 entitled "[Congress can defend freedoms abroad.](#)"

USCIRF will continue to promote the Project in the House of Representatives and seek more Members of Congress to adopt prisoners of conscience, including exploring expanding into the Senate.

- **Expedited Removal -- The U.S. Government's Treatment of Asylum Seekers:** IRFA authorized USCIRF to conduct a major study on the U.S. government's treatment of asylum seekers in expedited removal. The [study](#), conducted in 2003-04 with findings released in 2005, found serious flaws placing asylum seekers at risk of being returned to countries where they may face persecution, and highlighted concerns about the conditions of detention. The study made a series of recommendations to the responsible agencies in the Departments of Homeland Security and Justice, which the Department of Justice has implemented but the Department of Homeland Security generally has not.

As 2015 marks the 10-year anniversary of the study's release, USCIRF is reviewing the current situation of asylum seekers in expedited removal. To conduct this research, USCIRF staff has visited ports of entry, border posts, asylum offices, and immigration detention facilities in southern California (July 2014), New York and New Jersey (September 2014), Florida and Puerto Rico (November 2014) and south Texas (February and June 2015) to tour facilities, meet with officials and detainees, and observe processing. In addition, USCIRF staff has met on asylum issues with officials from DHS headquarters, ICE, and USCIS, as well as with non-governmental experts. USCIRF anticipates issuing sometime in 2016 a special report assessing implementation of the study's recommendations and discussing the changes in expedited removal over the past decade.

- **International Panel of Parliamentarians for Freedom of Religion or Belief ([IPP FoRB](#)):** In the face of escalating violations of religious freedom worldwide, USCIRF initiated an effort in 2014 to network parliamentarians from across the globe who support freedom of religion or belief for all. The effort formally was launched in November 2014 at the Nobel Peace Center in Oslo, Norway. Thirty parliamentarians who represented different regions, political parties and religions, signed an unprecedented joint statement committing themselves to advance religious freedom for all. This statement, the [Charter for Freedom of Religion or Belief](#), commits parliamentarians to promote religious freedom or belief for all persons through their work and respective institutions and enhance global cooperation. The parliamentarians also jointly signed several letters -- to the Prime Minister of Pakistan, the President of Burma, the North Korean ambassador to the United Nations, and the President of Indonesia -- expressing concerns about the religious freedom environments in these countries. USCIRF Commissioners and staff participated in the meeting and the Commission welcomed the unprecedented event in a [statement](#).

The Oslo meeting resulted from over two years of work by USCIRF Commissioners and staff to build networks to advance religious freedom globally. USCIRF also has been

working with the State Department and the Canadian government to build a similar governmental coalition to advance religious freedom internationally. The Inter-governmental Contact Group for Freedom of Religion was launched in June 2015. USCIRF staff participated in the launch.

- **Refugee Crises:** In 2015, nearly 60 million people were refugees or internally displaced, the highest number the UN High Commission for Refugees (UNHCR) has ever recorded. Many of these people are fleeing religious persecution and intolerance, and USCIRF long has been concerned about the plight of these vulnerable groups. In Iraq, nearly three million people have been internally displaced due to ISIL's offensive, with some minority religious communities facing the threat of extinction. At least 6.5 million of Syria's pre-civil war population now is internally displaced, and nearly four million more are refugees in neighboring states. In Nigeria, more than one million people have fled Boko Haram, and in the Central African Republic, a million or more people have been driven from their homes due to sectarian violence; 80 percent of the country's Muslims have fled the country. In Burma, at least 100,000 Kachin Christians and 140,000 Rohingya Muslims remain internally displaced, with many living in squalid camps. One in ten Rohingya reportedly have fled by boat, desperately seeking, and often not finding, safe haven in countries like Malaysia and Indonesia. A record number of refugees also are attempting the dangerous Mediterranean crossing to apply for asylum in Europe, with large numbers coming from Eritrea, Syria, Iraq, and Afghanistan.

In December 2015, USCIRF issued a [press release calling for continued Syrian refugee resettlement](#). In October 2015, USCIRF held an event at the National Press club with [UN High Commisisoner for Refugees, Antonio Guterres on the Syrian refugee crisis](#). In June 2015, USCIRF issued a press release commemorating World Refugee Day and calling for the U.S. government to increase the U.S. annual refugee resettlement ceiling from 70,000 to 100,000 or more, over time. In a February 2014 [press release](#) and April 2014 [op-ed](#), USCIRF welcomed U.S. government action to ease the unfair effect of overbroad terrorism bars and urged increased efforts to resettle vulnerable refugees, including Syrians, to the United States. In September 2014, USCIRF wrote a letter to President Obama recommending additional actions to assist Iraqi and Syrian refugees and IDPs. USCIRF issued a [press release](#) in June 2015 commemorating World Refugee Day and making recommendations to the U.S. government to respond to this unprecedented crisis.

## **8. What are some recent USCIRF activities?**

In recent years, USCIRF's activities have included visits to 24 countries; testifying at Congressional hearings; and supporting and addressing the concerns of a broad range of religious communities around the world. Some of USCIRF's activities include:

- **Issuing an Annual Report:** Pursuant to its congressional mandate, USCIRF releases an Annual Report, available in hard copy and on this website, which reports on religious freedom conditions in selected countries and formulates policy recommendations for the Administration and Congress. The [2017 report](#) covers 37 countries.

- **Recommending "Countries of Particular Concern:"** USCIRF recommends countries the Secretary of State should designate as "[Countries of Particular Concern](#)" under IRFA for engaging in or tolerating "systematic, ongoing, egregious violations of religious freedom." When a country is designated a "Country of Particular Concern," the President is required by law to take one of several actions, including economic sanctions, or a waiver of action.
- **Designating Tier 2 Countries:** USCIRF maintains a list of [Tier 2](#) countries in which religious freedom conditions require close monitoring due to the nature and extent of violations of freedom of thought, conscience, religion or belief that the government engages in or tolerates and annually designates countries for this list.
- **Monitoring other Countries:** USCIRF includes in its Annual Report chapters on [other countries](#). The 2017 Annual report reviewed religious freedom conditions in [Bangladesh](#), [Belarus](#), [Ethiopia](#), [Kenya](#), [Kyrgyzstan](#), [Mexico](#), [Nepal](#), [Somalia](#), and [Western Europe](#).
- **Traveling Abroad:** USCIRF has visited countries throughout the world to examine religious freedom conditions firsthand and develop more specific policy recommendations for U.S. action. Commissioners have met with heads of state, ministers, other senior government officials, representatives of human rights and other nongovernmental organizations, religious leaders, victims of religious intolerance, and others in: Afghanistan, Bahrain, Bangladesh, Belarus, Burma, China, Egypt, Eritrea, Indonesia, Iraq, Jordan, Nigeria, Russia, Saudi Arabia, Sri Lanka, Sudan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- **Testifying before Congress and Working with Congressional Offices:** USCIRF has testified at Congressional hearings on numerous subjects including protecting international religious freedom; Iran's human rights record under President Rouhani; prisoners of conscience; the persecution of Uighurs in China; and the "defamation of religions" resolutions in the United Nations. USCIRF Commissioners and staff also regularly meet with Members of Congress and their staffs, and the Commission serves as a resource for many Congressional offices.
- **Engaging Internationally and Multilaterally:** USCIRF participates in multilateral meetings related to religious freedom including at the United Nations and the Organization for Security and Cooperation (OSCE) in Europe. USCIRF's work in this area has focused particularly on the problematic "defamation of religions" resolutions at the UN and multilateral efforts to combat xenophobia and related intolerance in the OSCE region. In addition, USCIRF has participated in the Third Istanbul Process meeting on Resolution 16/18, and has met with officials from the European Union, the Council of Europe, the Organization of Islamic Cooperation, and the African Union.
- **Highlighting Religious Freedom Issues through the Media:** USCIRF issues statements and press releases on a wide range of issues including, for example, on [religious freedom abuses in Crimea](#); [the designation of victims of genocide in Syria and Iraq](#); [the closing of the Halki Seminary in Turkey](#); [the imprisonment of prisoners of conscience in China](#); and on [anti-semitism worldwide](#).
- **Issuing Reports:** USCIRF's recent reports focused on: [a survey and assessment of religious education books in Pakistan](#); [compulsory religious education in Turkey](#); [religious freedom violations in Burma](#); [the Egyptian constitution](#); [the role of Shari'ah in Sudan's constitution and law](#); [the implications of religious and ethnic violence in Burma](#); [the situation in Russia](#); and [the U.S. government's detention of asylum seekers](#).

## **9. Which individuals and groups are the focus of USCIRF's work and advocacy?**

USCIRF works to encourage the fully enjoyment of the freedom of thought, conscience, religion or belief for all. USCIRF has focused on a diverse array of religious communities around the

world, including: Uighur Muslims in China; Baha'is and Sufi Muslims in Iran; Ahmadis and Hindus in Pakistan and Indonesia; Muslims and Christians in India; Christians, Mandaean, and Yazidis in Iraq.

#### **10. How does USCIRF obtain information about violations of religious freedom abroad?**

USCIRF obtains information about violations of religious freedom abroad in multiple ways, including visiting selected countries in order to observe facts on the ground, meeting regularly with foreign officials, religious leaders and groups, victims of religious intolerance, and representatives of civil society, nongovernmental organizations, government agencies, and national and international organizations, and keeping abreast of credible news reports.

#### **11. How can you contact USCIRF?**

For more information, contact USCIRF at 202-523-3240 or [media@uscirf.gov](mailto:media@uscirf.gov).

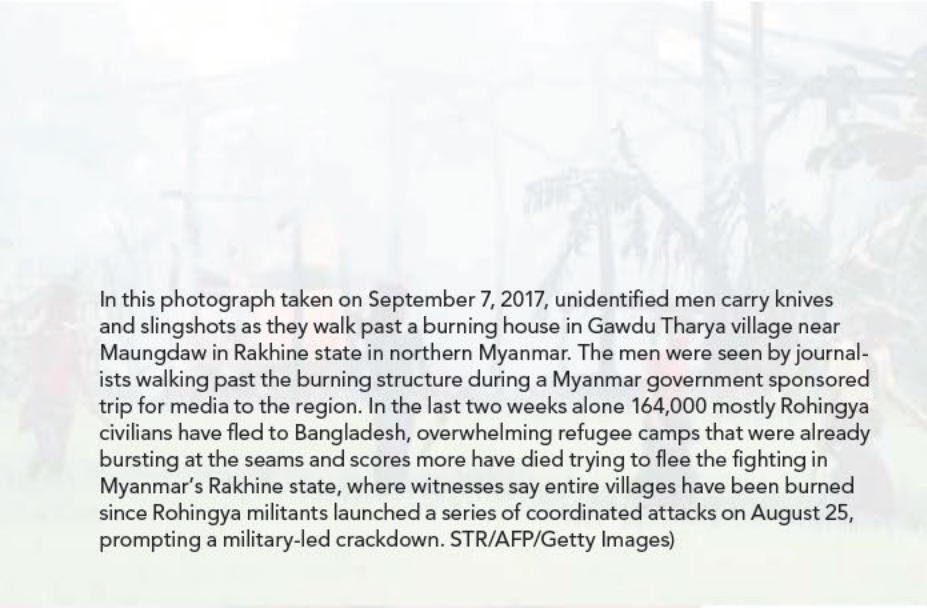
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UNITED STATES COMMISSION ON  
**INTERNATIONAL  
RELIGIOUS  
FREEDOM**

2018 ANNUAL REPORT

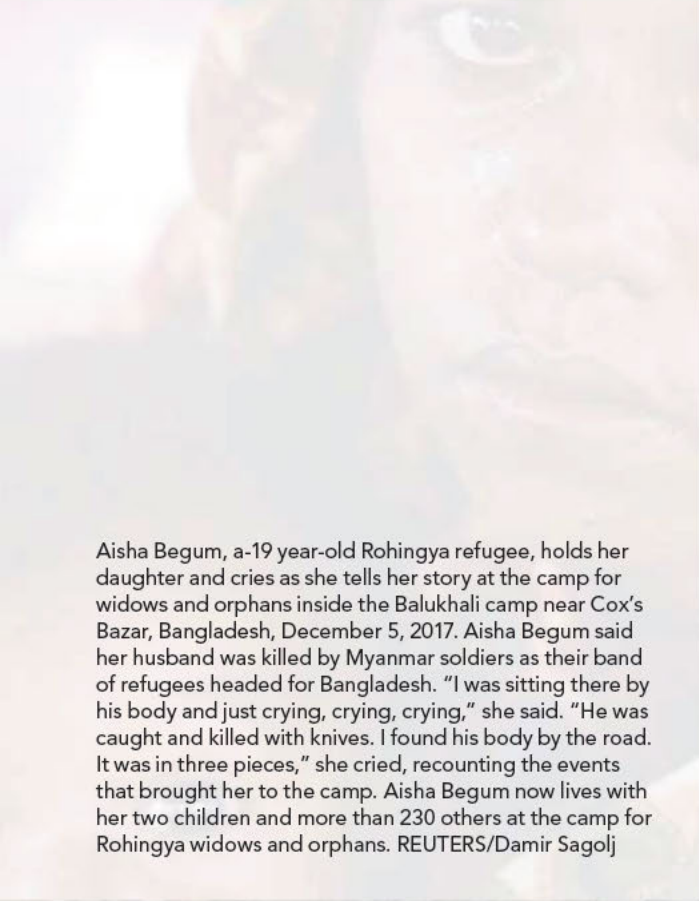




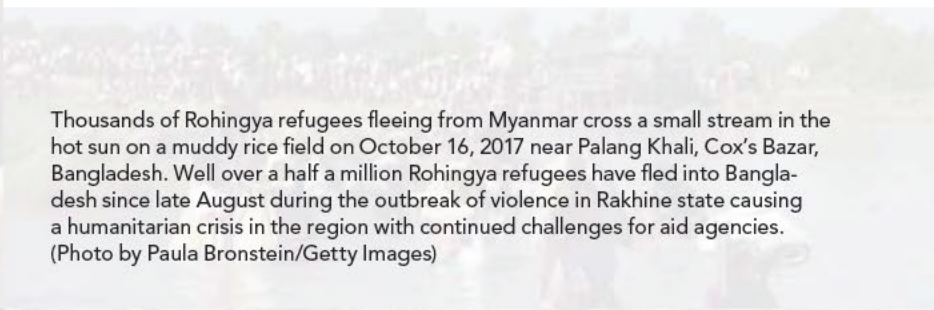
In this photograph taken on September 7, 2017, unidentified men carry knives and slingshots as they walk past a burning house in Gawdu Tharya village near Maungdaw in Rakhine state in northern Myanmar. The men were seen by journalists walking past the burning structure during a Myanmar government sponsored trip for media to the region. In the last two weeks alone 164,000 mostly Rohingya civilians have fled to Bangladesh, overwhelming refugee camps that were already bursting at the seams and scores more have died trying to flee the fighting in Myanmar's Rakhine state, where witnesses say entire villages have been burned since Rohingya militants launched a series of coordinated attacks on August 25, prompting a military-led crackdown. STR/AFP/Getty Images)



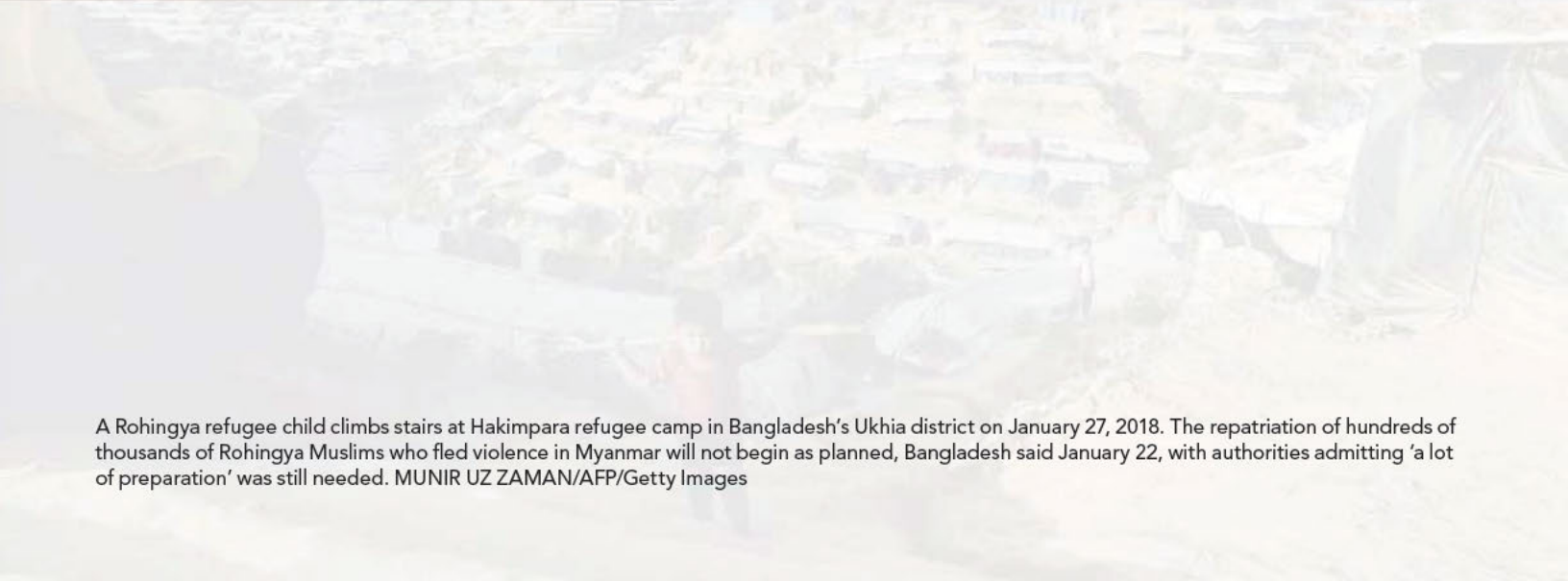
Supporters and monks belonging to the hardline Buddhist group Mabatha rally outside the US embassy in Yangon on April 28, 2016. The Buddhist ultra-nationalist group denounce the US embassy recent statement related to the deaths of the Rohingya Muslim minority from the April 19, 2016 boat accident in Sittwe. ROMEO GACAD/AFP/Getty Images)



Aisha Begum, a 19-year-old Rohingya refugee, holds her daughter and cries as she tells her story at the camp for widows and orphans inside the Balukhali camp near Cox's Bazar, Bangladesh, December 5, 2017. Aisha Begum said her husband was killed by Myanmar soldiers as their band of refugees headed for Bangladesh. "I was sitting there by his body and just crying, crying, crying," she said. "He was caught and killed with knives. I found his body by the road. It was in three pieces," she cried, recounting the events that brought her to the camp. Aisha Begum now lives with her two children and more than 230 others at the camp for Rohingya widows and orphans. REUTERS/Damir Sagolj



Thousands of Rohingya refugees fleeing from Myanmar cross a small stream in the hot sun on a muddy rice field on October 16, 2017 near Palang Khali, Cox's Bazar, Bangladesh. Well over a half a million Rohingya refugees have fled into Bangladesh since late August during the outbreak of violence in Rakhine state causing a humanitarian crisis in the region with continued challenges for aid agencies. (Photo by Paula Bronstein/Getty Images)



A Rohingya refugee child climbs stairs at Hakimpara refugee camp in Bangladesh's Ukhia district on January 27, 2018. The repatriation of hundreds of thousands of Rohingya Muslims who fled violence in Myanmar will not begin as planned, Bangladesh said January 22, with authorities admitting 'a lot of preparation' was still needed. MUNIR UZ ZAMAN/AFP/Getty Images

# ANNUAL REPORT

OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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# INTRODUCTION

Religious freedom conditions continued to deteriorate in countries across the globe in 2017. This ongoing downward trend often intersected with authoritarian practices characterized by hostility toward dissent, pluralism, independent media, and active civil society, or took place under the guise of protecting national security or countering terrorism.

In the 28 nations addressed in this report, governments and nonstate actors targeted religious minorities, dissenting members of majority communities, and nonreligious persons. The most severe abuses included genocide and other mass atrocities, killings, enslavement, rape, imprisonment, forced displacement, forced conversions, intimidation, harassment, property destruction, the marginalization of women, and bans on children participating in religious activities or education.

For example, in 2017 in Burma's Rakhine State, the military and security forces, along with nonstate actors, committed what the United States and United Nations labeled "ethnic cleansing" against Rohingya Muslims. In China, the government created police states in Xinjiang and Tibet to persecute Uighur Muslims and Tibetan Buddhists and continued its brutal treatment of Falun Gong practitioners. In Cuba, government officials detained religious leaders and activists who advocated for religious freedom. In Iraq and Syria, the Islamic State of Iraq and Syria (ISIS) continued its genocidal campaign against Christians, Yazidis, and Shi'a Muslims despite losing territory, and the Assad regime and Iranian-backed militias in Syria increased sectarian attacks against Sunni Muslims. In

Nigeria, the government failed to prevent or stop increasing violence along religious lines or hold perpetrators to account. In Pakistan, the country's strict blasphemy laws and increased extremist activity further threatened already marginalized minority communities, including Ahmadis, Christians, Hindus, Sikhs, and Shi'a Muslims. In Russia, the government banned the Jehovah's Witnesses and prose-

cuted for extremism peaceful Muslims and "nontraditional" groups, including Scientologists. In Turkey, the continued unjust detention of American Pastor Andrew Brunson had a chilling effect on Christians.

In addition to endangering individuals and communities, severe violations of religious freedom threaten the stability and security of nations and regions, underscoring the importance of U.S. efforts to address and prevent abuses of this fundamental human right. As this report details, U.S. law provides a range of tools to pressure egregious religious freedom violators—including in the International Religious Freedom Act (IRFA), the Frank R. Wolf International Religious Freedom Act, and the Global Magnitsky Human Rights Accountability Act—which the U.S. government should utilize fully. In addition, both the Trump Administration and Congress should amplify their international religious freedom efforts by: working with international partners, humanizing the issue by focusing on prisoners of conscience and victims of blasphemy laws, and stressing the importance of empowering women to fully exercise their rights to freedom of religion or belief.

Among the range of universal, interdependent human rights, the freedom to follow one's conscience in matters of religion or belief is essential to human dignity

---

*Among the range of universal,  
interdependent human rights,  
the freedom to follow one's conscience  
in matters of religion or belief is  
essential to human dignity  
and human flourishing.*

---

and human flourishing. Its full protection requires the freedoms of expression, assembly, and association; as a result, its expansion also bolsters these other fundamental rights.

This report is based on a year's work by Commissioners and staff

of the [U.S. Commission on International Religious Freedom](#) (USCIRF) to monitor freedom of religion or belief abroad, assess violations and progress, analyze U.S. policy, and develop independent policy recommendations. The results of USCIRF's work are provided through its findings and recommendations in public statements and reports.

In 2017 and early 2018, Commissioners and staff visited 12 countries to assess conditions: Egypt, Nigeria, Saudi Arabia, Pakistan, the Central African Republic, Turkey, Uzbekistan, Ukraine (regarding Russian-occupied areas), Burma, Bangladesh, Bahrain, and Iraq. In addition to its country monitoring, USCIRF prioritized several thematic issues during 2017.

The first theme was advocacy for specific prisoners through [USCIRF's Religious Prisoners of Conscience Project](#), to shine a light on their cases and press for their release. A focus on these individuals makes concrete and understandable the human impact of unjust laws and policies and underscores the need for reform. During the year, several religious prisoners of conscience highlighted by USCIRF were released from prison.

The second theme was the issue of blasphemy laws, to highlight both their [incompatibility with international human rights principles](#) and some of the [individuals](#) affected by their enforcement. These laws exist in at least 69 countries worldwide and should be repealed.

The third theme was [women and religious freedom](#), to explore the synergies between freedom of religion or belief and women's equality and dispel the common misperception that there is a clash between

these two universal human rights. In fact, women's rights to religious freedom and to equality are indivisible and interrelated, and freedom of religion or belief can play an important role in responding to harmful practices imposed on women in the name of tradition, culture, or religion.

While religious freedom violations in many parts of the world continue to be grave, there are real reasons for optimism 20 years after the U.S. Congress' land-

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*While religious freedom violations in many parts of the world continue to be grave, there are real reasons for optimism 20 years after the U.S. Congress' landmark passage of IRFA.*

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mark passage of IRFA. Severe violations still occur but are less likely to go unnoticed. The U.S. government, once nearly alone in this effort, has an increasing number of partners with which to work on freedom of religion abroad, including

international organization entities, foreign government bodies, and a global parliamentary network. The media and civil society in the United States and abroad are more focused on international religious freedom issues than ever before. And the growing recognition of freedom of religion or belief as a tool to empower women provides an opportunity to expand the coalition of those advocating for religious freedom for all, to include individuals and organizations interested in promoting women's rights.

# 2018 ANNUAL REPORT OVERVIEW

Created by the [International Religious Freedom Act of 1998](#) (IRFA), the [U.S. Commission on International Religious Freedom](#) (USCIRF) is an independent, bipartisan U.S. government advisory body, separate from the U.S. State Department, that monitors religious freedom abroad and makes policy recommendations to the president, secretary of state, and Congress. USCIRF bases these recommendations on its statutory mandate and the standards in the [Universal Declaration of Human Rights](#) and other international documents.

The 2018 Annual Report documents religious freedom violations and progress during calendar year 2017 in 28 countries and makes independent recommendations for U.S. policy. The report is divided into three sections. The first section focuses on the U.S. government's implementation of IRFA and provides recommendations to bolster U.S. efforts to advance freedom of religion or belief abroad.

The second section highlights 16 countries USCIRF concludes meet IRFA's standard for "countries of particular concern," or CPCs, for the period covered by this report, which USCIRF refers to as Tier 1 countries. IRFA requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious. The State Department most recently made CPC designations in December 2017, naming 10 countries, based on violations in 2016. At the same time, the State Department named

In 2018, USCIRF recommends that the State Department redesignate the following 10 countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan. USCIRF also finds that six other countries meet the CPC standard and should be so designated: Central African Republic, Nigeria, Pakistan, Russia, Syria, and Vietnam.

Pakistan as the first—and only—country on its Special Watch List, a new category created in 2016 by the [Frank R. Wolf International Religious Freedom Act](#) (Frank Wolf Act) for governments that engaged in or tolerated severe violations but are deemed to not meet all the criteria of the CPC test.

The third section of the Annual Report highlights 12 countries USCIRF categorizes as Tier 2, defined by USCIRF as nations in which the violations engaged in or tolerated by the government during 2017 are serious and characterized by at least one of the elements of the "systematic, ongoing, and egregious" CPC standard.

In 2018, USCIRF places the following 12 countries on Tier 2: Afghanistan, Azerbaijan, Bahrain, Cuba, Egypt, India, Indonesia, Iraq, Kazakhstan, Laos, Malaysia, and Turkey.

Previous annual reports also included a section covering additional countries and regions that USCIRF monitored during the reporting year, but that did not meet the CPC or Tier 2 standards. The 2018 Annual Report does not include this section. USCIRF continues to monitor religious freedom globally but has decided to focus the annual report on Tier 1 and Tier 2 countries. The fact that other countries are not included in this report does not mean religious freedom issues do not exist in those countries or that concerns discussed in previous USCIRF annual reports have improved. Information on religious freedom conditions in all foreign countries may be found in the State Department's annual [International Religious Freedom reports](#). USCIRF also issues publications throughout the year on a variety of countries and topics, which can be found at [www.uscifr.gov](http://www.uscifr.gov).

As USCIRF's annual reports have long recognized, nonstate actors are among the most egregious violators of religious freedom. The Frank Wolf Act requires the

\*In this report, USCIRF uses the terms "religious freedom," "freedom of religion," and "freedom of religion or belief" interchangeably to refer to the broad right to freedom of thought, conscience, and religion or belief protected under international human rights law.

U.S. government to identify nonstate actors engaging in particularly severe violations of religious freedom and designate them as “entities of particular concern,” or EPCs. The law defines nonstate actor as “a nonsovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.” The State Department did not make any EPC designations in 2017. However, on March 5, 2018, after the end of the reporting period, then Secretary of State Rex Tillerson designated the following nonstate actors as EPCs for particularly severe religious freedom violations: “al-Nusra Front, al-Qa’ida in the Arabian Peninsula, al-Qa’ida, al-Shabab, Boko Haram, ISIS, ISIS-Khorasan, and the Taliban.”

In 2018, USCIRF recommends that the State Department designate the following organizations as EPCs: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia.

In 2018, USCIRF recommends three organizations for designation as EPCs based on their violations during 2017: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia. USCIRF also continues to report, in various country chapters, on particularly severe violations of religious freedom perpetrated by nonstate actors that do not meet the Frank Wolf Act’s definition because, for example, they do not exercise territorial control.

## USCIRF 2018

### CPC Recommendations (Tier 1):

Burma\*  
Central African Republic  
China\*  
Eritrea\*  
Iran\*  
Nigeria  
North Korea\*  
Pakistan  
Russia  
Saudi Arabia\*  
Sudan\*  
Syria  
Tajikistan\*  
Turkmenistan\*  
Uzbekistan\*  
Vietnam

\*Designated as CPCs by the State Department on December 22, 2017

### Tier 2 Countries:

Afghanistan  
Azerbaijan  
Bahrain  
Cuba  
Egypt  
India  
Indonesia  
Iraq  
Kazakhstan  
Laos  
Malaysia  
Turkey

### EPC Recommendations:

The Islamic State of Iraq and Syria (ISIS)\*  
The Taliban in Afghanistan\*  
Al-Shabaab in Somalia\*

\*Designated as EPCs by the State Department on March 5, 2018

# USCIRF POLICY RECOMMENDATIONS FOR TIER 1 AND TIER 2 COUNTRIES

While the U.S. government must pursue freedom of religion or belief as a foreign policy objective within the specific context of each country covered in this annual report, certain common themes and policy options arise. The most common policy recommendations for states categorized by USCIRF as Tier 1 or Tier 2 countries appear below. These recommendations may not be

generalizable to all countries due to special circumstances, such as existing sanctions or lack of bilateral relations. Nonetheless, they represent the most pressing religious freedom concerns worldwide and the most promising avenues for addressing them through U.S. foreign policy.

FOR TIER 1 AND TIER 2 COUNTRIES	
USCIRF recommends the U.S. government pursue the following goals . . .	<ul style="list-style-type: none"> <li>• Urge the country’s government to cooperate fully with international human rights mechanisms, including by inviting visits by the United Nations (UN) Special Rapporteur on freedom of religion or belief;</li> <li>• Press the country’s government to bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards;</li> <li>• Press the country’s government to conduct professional and thorough investigations—and to prosecute perpetrators—of incidents of sectarian violence, terrorism, and other violations of religious freedom;</li> <li>• Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers, and the ability to practice their faith;</li> </ul>
. . . through methods including these policy options.	<ul style="list-style-type: none"> <li>• Enter into a binding agreement with the foreign government of a country designated by the State Department as a CPC, as authorized under section 405(c) of IRFA (<a href="#">22 U.S.C. §6445(c)</a>), setting forth mutually agreed commitments that would foster critical reforms to improve religious freedom;</li> <li>• Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for religious freedom violations, including visa denials under section 604(a) of IRFA (<a href="#">section 212(a)(2)(G) of the Immigration and Nationality Act</a>) and visa denials and asset freezes under the <a href="#">Global Magnitsky Human Rights Accountability Act</a> and <a href="#">Executive Order 13818</a>;</li> <li>• Raise consistently religious freedom concerns at high-level bilateral meetings with the country’s leaders;</li> <li>• Coordinate with other diplomatic missions and foreign delegations, including the UN and European Union, about human rights advocacy in meetings with the country’s officials and during visits to the country;</li> <li>• Ensure that the U.S. Embassy and U.S. consulates, including at the ambassadorial and consular general levels, maintain active contacts with human rights activists.</li> <li>• Help to train the country’s governmental, civil society, religious, and/or educational professionals to better address sectarian conflict, religion-related violence, and terrorism through practices consistent with international human rights standards.</li> </ul>



# IMPLEMENTATION OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT

## KEY FINDINGS

The [International Religious Freedom Act](#) (IRFA) gives the U.S. government a range of tools to respond to religious freedom violations abroad and encourage improvements. Although no administration in IRFA's 20-year existence has implemented the law to its full potential, U.S. international religious freedom policy has been more robust since 2015. In 2016, the [Frank R. Wolf International Religious Freedom Act](#) (Frank Wolf Act) amended IRFA to address implementation concerns and better reflect current conditions. During 2017, the Trump Administration emphasized its commitment to international religious freedom through statements from President Donald Trump, Vice President Michael Pence, and other high-level officials, as well as in the National Security Strategy. In a year of transition, there was no Ambassador-at-Large

for International Religious Freedom for most of 2017, and a U.S. State Department reorganization that would elevate the Ambassador-at-Large within the bureaucracy and increase the functions and staff of the Office of International Religious Freedom (IRF Office) was not complete by year's end. In December, the State Department redesignated as "countries of particular concern," or CPCs, the same 10 nations designated in 2016, and placed Pakistan on its new Special Watch List. The State Department did not designate any nonstate actors as "entities of particular concern," or EPCs, in 2017. With Ambassador-at-Large Sam Brownback in place as of February 1, 2018, after the end of the reporting period, the Trump Administration has an opportunity to build on recent progress and fully implement IRFA, including the new tools provided by the Frank Wolf Act.

## RECOMMENDATIONS TO THE ADMINISTRATION

- Ensure that the Ambassador-at-Large has the necessary authority and resources to carry out IRFA's mandates, including sufficient funding and staffing for the IRF Office.
- Appoint promptly a qualified and experienced individual to be Special Adviser to the President on International Religious Freedom within the National Security Council (NSC) staff, as IRFA envisions.
- Develop and issue a whole-of-government strategy to guide the U.S. government's promotion of religious freedom abroad for all, as well as action plans for specific countries, and establish an interagency working group, chaired by the Ambassador-at-Large, to oversee implementation.
- Implement fully all of IRFA's and the Frank Wolf Act's requirements, including through diplomatic engagement; annual CPC, Special Watch List, and EPC designations; and corresponding actions—especially targeted actions such as visa denials and asset freezes against specific violators.
- Prioritize efforts to seek the release of prisoners identified by the State Department or USCIRF as imprisoned for their religious beliefs, activity, identity, or religious freedom advocacy, especially in countries designated as CPCs or recommended by USCIRF for such designation.
- Engage multilaterally to advance religious freedom abroad, including by participating in and supporting relevant United Nations (UN) and Organization for Security and Cooperation in Europe (OSCE) entities and activities and continuing to lead and participate in the International Contact Group on Freedom of Religion or Belief.
- Resettle vulnerable refugees, including those fleeing religious persecution, through the U.S. Refugee Admissions Program (USRAP) and address the longstanding flaws in the treatment of asylum-seekers in Expedited Removal that USCIRF has documented since 2005.

## RECOMMENDATIONS TO CONGRESS

- Ensure sufficient appropriations for the Ambassador-at-Large and the IRF Office to fully execute and effectively achieve IRFA's mandates.
- Focus on competence in international religious freedom during confirmation hearings for relevant officials in the State Department and other agencies.
- Hold annual oversight hearings on the implementation of IRFA and the Frank Wolf Act, as well as hearings on specific religious freedom issues, and raise religious freedom in country-specific hearings and ambassadorial confirmation hearings.
- Support legislation that promotes freedom of religion or belief abroad and, through legislation and appropriations, develop an international religious freedom strategy.
- Examine, during delegation trips abroad, conditions for persons of all faiths and beliefs or none, including by meeting with targeted religious communities, religious freedom advocates, and prisoners held for their religion or belief or their religious freedom advocacy.
- Participate in the Tom Lantos Human Rights Commission's [Defending Freedoms Project](#) to advocate for the release of prisoners of conscience abroad.
- Participate in the [International Panel of Parliamentarians for Freedom of Religion or Belief](#), an informal network of legislators working to counter religious persecution and promote the internationally protected right to religious freedom.
- Exercise oversight of Expedited Removal and press for reforms to address concerns about the treatment of asylum-seekers in that process that USCIRF has identified since 2005.

## LEGAL PROVISIONS

IRFA, as amended by the Frank Wolf Act, seeks to make religious freedom a higher priority in U.S. foreign policy through a range of mechanisms and tools:

### Government Institutions

Inside the U.S. executive branch, IRFA created the position of Ambassador-at-Large (an appointee nominated by the president and confirmed by the Senate), to head a State Department office focused on religious freedom abroad: the [IRF Office](#). The law also urges the appointment of a special adviser dedicated to the issue on the White House NSC staff, although no administration since the law's enactment has done so. The Frank Wolf Act reiterates this position's importance. Outside the executive branch, IRFA created [USCIRE](#), an independent body mandated to review religious freedom conditions globally, evaluate U.S. policy, and make policy recommendations to the president, secretary of state, and Congress.

### Monitoring and Reporting

IRFA mandates that the State Department prepare an annual report on religious freedom conditions in

each foreign country (the [IRF Report](#)), in addition to the department's annual human rights report. It also requires that USCIRF issue its own [annual report](#) setting forth its findings and providing independent policy recommendations. IRFA further requires the State Department to maintain country-by-country lists of prisoners and issues of concern for use by executive and legislative branch officials, and the Frank Wolf Act now requires that USCIRF, to the extent practicable, make available online lists of prisoners and other victims of governments or nonstate actors that USCIRF recommends for CPC or EPC designation.

### Consequences for Violators

IRFA requires the president—who has [delegated](#) this power to the secretary of state—to designate CPCs annually and take action designed to encourage improvements in those countries. CPCs are defined as countries whose governments either engage in or tolerate “particularly severe” violations of religious freedom. A menu of possible actions is available, including negotiating a bilateral agreement, imposing sanctions, taking “commensurate action,” or issuing a waiver. The Frank Wolf Act amends this provision to add a “Special Watch

List” category, in which the State Department is to place countries it deems to have engaged in or tolerated severe violations of religious freedom. The term “severe violations” is not defined. No specific actions are required or delineated for Special Watch List countries.

The Frank Wolf Act also creates a new presidential designation for “entities of particular concern,” or EPCs, for nonstate actors engaging in particularly severe violations. The law defines nonstate actor as “a nonsovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.” After the reporting period, the president [delegated](#) the power to make EPC designations to the secretary of state on January 26, 2018.

IRFA also makes inadmissible to the United States foreign government officials who are responsible for or directly carried out particularly severe religious freedom violations. The Frank Wolf Act now requires the State Department to establish, maintain, and submit to Congress every 180 days “designated persons lists” of foreign individuals denied visas or subject to financial sanctions or other measures for particularly severe violations of religious freedom.

IRFA defines “particularly severe” violations of religious freedom as “systematic, ongoing, egregious violations of religious freedom, including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons.”

## International Standards

Under IRFA, these reports and determinations are based on international legal standards: the law defines violations of religious freedom as “violations of the internationally recognized right to freedom of religion and religious belief and practice” as articulated in the [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights](#), and other international instruments and regional agreements.

## Programs and Training

IRFA includes religious freedom as an element of U.S. foreign assistance, cultural exchange, and international broadcasting programs. It also provides that State Department [Foreign Service Officers](#) and U.S. [immigration officials](#) receive training on religious freedom and religious persecution. The Frank Wolf Act requires the State Department to make international religious freedom training mandatory for all Foreign Service Officers at certain points in their careers and to develop a specific curriculum for it.

## Refugee and Asylum Issues

In recognition that religious freedom violations can drive displacement, IRFA includes provisions on U.S. refugee and asylum policy, including requiring that the president consider information about religious persecution as part of his annual determination of refugee admissions, and that immigration officials use the IRF Report as a resource in adjudicating refugee and asylum claims. IRFA also sought assessments of whether immigration officials were implementing Expedited Removal—a summary removal procedure that was new when IRFA was enacted—in a manner consistent with the United States’ obligations to protect individuals fleeing persecution, including by authorizing USCIRF to examine the issue.

## DEVELOPMENTS IN 2017

### High-Level Commitment

During 2017, the Trump Administration emphasized its commitment to international religious freedom through statements from high-level officials, including President Trump, Vice President Pence, and then Secretary of State Rex Tillerson. For example, in February, President Trump [called](#) freedom of religion “a sacred right” and noted the need to address threats against it, especially terrorism. In his April 14 weekly address, the president expressed hope for a future “where good people of all faiths, Christians and Muslims and Jewish and Hindu, can follow their hearts and worship according to their conscience.” In June, Vice President Pence [repeatedly stressed](#) that the Trump Administration would “condemn persecution of any faith in any place at any time” and that “protecting and promoting religious freedom is a foreign policy priority” of this administration. In

August, then Secretary Tillerson [stated](#): “Where religious freedom is not protected, we know that instability, human rights abuses, and violent extremism have a greater opportunity to take root. . . . The Trump Administration has committed to addressing these conditions in part by advancing international religious freedom around the world. The State Department will continue to advocate on behalf of those seeking to live their lives according to their faith.” In November, in a speech in Sudan, Deputy Secretary of State John Sullivan [stated](#) that “President Trump, Vice President Pence, and Secretary Tillerson have made clear that the protection and promotion of religious freedom is a foreign policy priority of the Administration” and that “the United States will not ignore violations of human rights, including the right to religious freedom” in its relationship with Sudan.

The December 2017 [National Security Strategy](#) also reflects this commitment. In its fourth pillar (on advancing American influence), the document states that the United States will champion American values, including by “supporting and advancing religious freedom—America’s first freedom.” One of the five priority actions in this area

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*The December 2017 National Security Strategy . . . states that the United States will champion American values, including by “supporting and advancing religious freedom—America’s first freedom.”*

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is “protecting religious freedom and religious minorities”; in this regard, the document declares that the United States “will advocate on behalf of religious freedom and religious minorities,” and will prioritize protecting minority communities from attacks and preserving their cultural heritage.

### Ambassador-at-Large and Related Positions

On January 20, 2017, David Saperstein completed his service as Ambassador-at-Large for International Religious Freedom. During his 2015 to 2017 tenure, and with bipartisan Congressional support, the IRF Office expanded its diplomatic, policy, programmatic, and training activity and reinvigorated the CPC process. After the reporting period, on February 1, 2018, [Sam Brownback](#) was sworn into the position. President Trump nominated him in July 2017 and the Senate confirmed him in late January 2018. Ambassador Brownback, who most recently served as the governor of Kansas, is the fifth Ambassador-at-Large for International Religious Freedom. As a U.S. senator from

1996 to 2011, he was a key sponsor of IRFA and a co-chair of the Congressional Human Rights Caucus. Pursuant to IRFA, the Ambassador-at-Large is also an ex officio USCIRF Commissioner, and USCIRF welcomed Ambassador Brownback’s [nomination](#) and [confirmation](#).

Under IRFA, the Ambassador-at-Large is to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad” and, under the Frank Wolf Act, is to report directly to the secretary of state. In previous administrations, the Ambassador-at-Large had not reported directly to the secretary. In August 2017, as part of a department-wide reorganization effort, then Secretary Tillerson proposed that the Ambassador-at-Large report to the Undersecretary for Civilian Security, Democracy, and Human Rights. The undersecretary is a more senior official than the Assistant Secretary for Democracy, Human Rights, and Labor, to whom the Ambassador-at-Large previously reported.

Over the years, various administrations and Congress created other State Department positions with overlapping or related mandates, such as special representatives or envoys on religion and global affairs, to Muslim

communities, to the Organization of Islamic Cooperation (OIC), and to monitor and combat anti-Semitism, as well as a special advisor for religious minorities in the Near East and South and Central Asia. Most of these positions were empty during 2017. Then Secretary Tillerson’s reorganization proposal would eliminate the special representative or envoy positions relating to religion and global affairs, Muslim communities, and the OIC, and move their functions and staff into the IRF Office. The proposal also would move the position on religious minorities in the Near East and South and Central Asia into the IRF Office and move the position on anti-Semitism into the Bureau of Democracy, Human Rights, and Labor.

### CPC and Special Watch List Designations

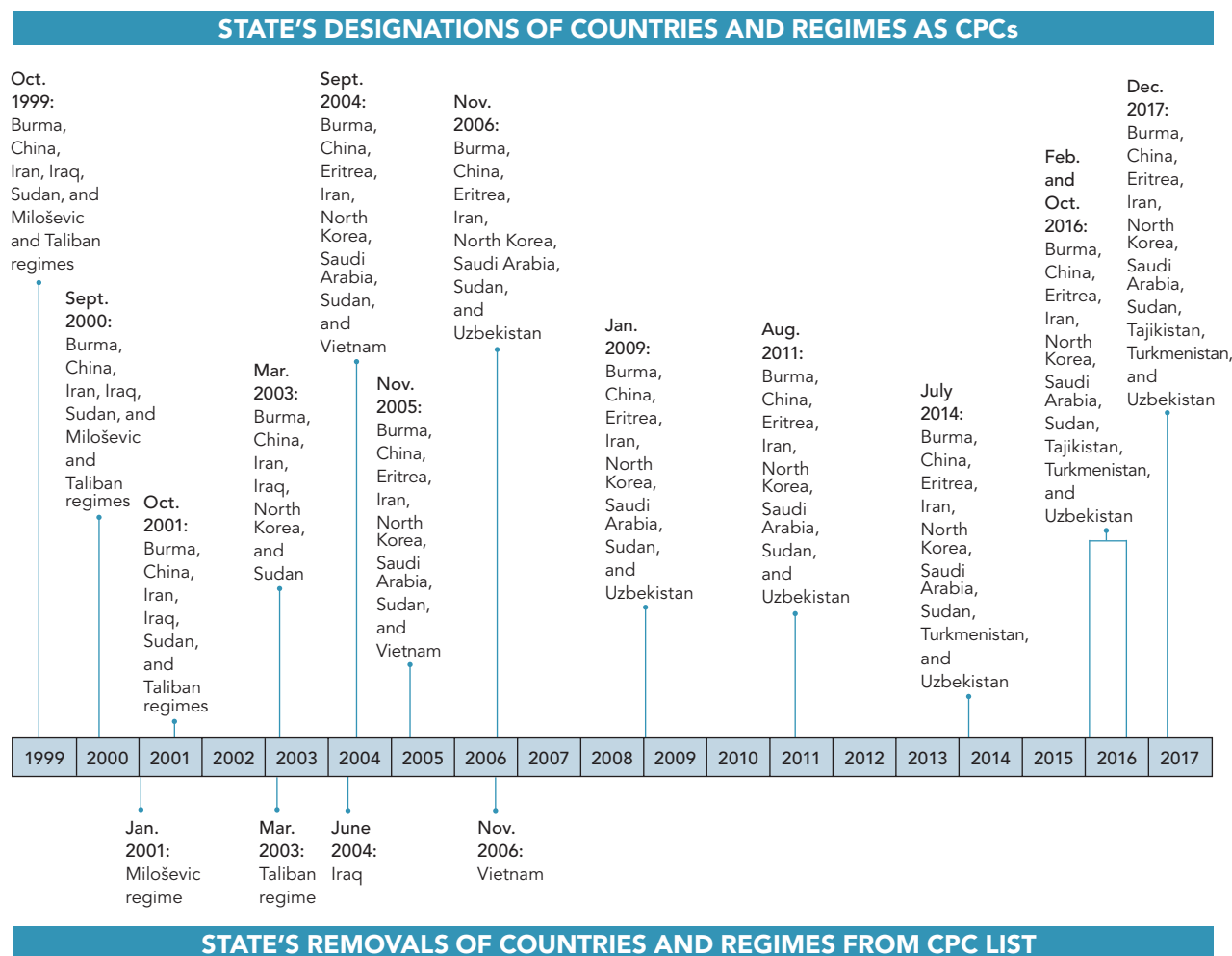
On December 22, 2017, then Secretary Tillerson [redesignated](#) as CPCs, for engaging in or tolerating particularly severe religious freedom violations, the 10 countries previously designated as such in October 2016: Burma,

China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan. USCIRF [welcomed](#) these designations and urged that the six other countries USCIRF had recommended as CPCs in the 2017 annual report also be designated. The December 2017 designations were the State Department's 13th set of CPC designations over IRFA's existence, and most of the countries had been named for a decade or more. The most recent addition to the State Department's CPC list was Tajikistan, which was added for the first time in February 2016.

On the same date as the 2017 CPC designations, then Secretary Tillerson also designated Pakistan as the first—and only—country on the department's Special Watch List, the Frank Wolf Act's new category for countries that engaged in or tolerated severe violations of religious freedom, a level of violations below the CPC threshold but that neither IRFA nor the Frank Wolf Act define more explicitly.

The Frank Wolf Act requires the State Department to make its CPC and Special Watch List designations annually, not later than 90 days after the issuance of the IRF Report. The IRF Report covering 2016, on which these designations were based, was issued on August 15, 2017, meaning that the CPC and Special Watch List designations should have been made by November 13.

The December 2017 CPC designations continued the same presidential actions as the 2016 designations, which are shown in the table below. Of the 10 CPC designees, six are subject to preexisting, or “double-hatted,” sanctions, and four have waivers. Successive administrations have relied on such an approach, and while the statute permits it, USCIRF has long expressed concern that using preexisting sanctions or indefinite waivers provides little incentive for CPC-designated governments to reduce or halt egregious religious freedom violations.



Source: GAO analysis of Department of State information, updated by USCIRF

## PRESIDENTIAL ACTIONS FOR 2017 CPC DESIGNATIONS (AS DESCRIBED IN THE FEDERAL REGISTER)

For Burma, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.

For China, the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (P.L. 101-246), pursuant to section 402(c)(5) of IRFA.

For Eritrea, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.

For Iran, the existing ongoing travel restrictions in section 221(c) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) for individuals identified under section 221(a)(1)(C) of the TRA in connection with the commission of serious human rights abuses, pursuant to section 402(c)(5) of IRFA.

For North Korea, the existing ongoing restrictions to which the Democratic People's Republic of Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), pursuant to section 402(c)(5) of IRFA.

For Saudi Arabia, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

For Sudan, the restriction in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act on making certain appropriated funds available for assistance to the government of Sudan, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. K, P.L. 114-113), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of IRFA.

For Tajikistan, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

For Turkmenistan, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

For Uzbekistan, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

The Frank Wolf Act requires the State Department to notify Congress of CPC designations not later than 90 days after they are made. The State Department [did so](#) for the December 22, 2017, designations on January 3, 2018. Also pursuant to the Frank Wolf Act, the notification letter included justifications for the waivers on taking action against Saudi Arabia, Tajikistan, Turkmenistan, and Uzbekistan. For all four countries, the State Department cited "the necessity for cooperating with [these governments] on certain core U.S. national security interests, including our collective efforts to counter violent extremism and transnational terrorism," and additionally for Saudi Arabia, "on energy security for the United States." Under the Frank Wolf Act, these waivers are permitted to continue for 180 days; after that period, the law gives the

president waiver authority if the president determines and reports to Congress that the foreign government has ceased violations or that the waiver is required in the important national interest of the United States.

### Individual Violators

Section 212(a)(2)(G) of the Immigration and Nationality Act, a provision added by IRFA, makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations. To date, the provision's only publicly known use was in 2005, when then Chief Minister Narendra Modi of Gujarat State in India was excluded due to his complicity in 2002 riots in his state that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. Because of

the confidentiality of visa decisions, there may be other, unknown uses. In recent years, the IRF Office has worked to identify noncitizens who would be inadmissible on this basis should they apply for U.S. visas.

Laws other than IRFA also provide tools to sanction individual violators. Some of these apply to specific countries, such as the Comprehensive Iran Sanctions and Divestment Act (CISADA, [P.L.111-195](#)), which has been used to sanction Iranian officials for human rights violations, including eight officials USCIRF identified as egregious religious freedom violators. More broadly, the [Global Magnitsky Human Rights Accountability Act](#), enacted in December 2016, allows the president to deny

U.S. visas to and freeze the U.S.-based assets of any foreigner responsible for “extrajudicial killings, torture, or other gross violations of internationally protected human rights”

against someone seeking to expose illegal government activity or to exercise or defend internationally protected rights. The president [delegated](#) these authorities to the secretaries of treasury and state on September 8, 2017. On December 21, 2017, the [State](#) and [Treasury Departments](#) announced the initial set of Global Magnitsky sanctions, including against General Maung Maung Soe, who as head of the Burmese Army’s Western Command oversaw atrocities against Rohingya Muslims. USCIRF [welcomed](#) the first use of this important new accountability tool. Also on December 21, the White House issued [Executive Order 13818](#), which authorizes visa bans and asset freezes against foreign persons involved in “serious human rights abuse,” providing an additional—and potentially even more expansive—basis for targeted sanctions.

The Frank Wolf Act requires the State Department to establish, maintain, and submit to Congress every 180 days “designated persons lists” of foreign individuals denied visas or subject to financial sanctions or other measures for particularly severe violations of religious freedom. No designated persons lists were made public in 2017.

## EPC Designations

The State Department did not make EPC designations during 2017. On March 5, 2018, after the end of the

reporting period, then Secretary Tillerson [designated](#) the following nonstate actors as EPCs for particularly severe religious freedom violations: “al-Nusra Front, al-Qa’ida in the Arabian Peninsula, al-Qa’ida, al-Shabab, Boko Haram, ISIS [the Islamic State of Iraq and Syria], ISIS-Khorasan, and the Taliban.”

## Prisoners

During 2017, the Trump Administration prioritized seeking the release of American citizens unjustly imprisoned abroad. One of these cases, that of [Pastor Andrew Brunson](#) in Turkey, is also a high priority for USCIRF, and is part of USCIRF’s [Religious Prisoners of](#)

[Conscience Project](#). President Trump, Vice President Pence, and then Secretary Tillerson pressed for Pastor Brunson’s release at the highest levels of the Turkish gov-

ernment, but he remained in prison at the end of 2017. USCIRF Vice Chairwomen Sandra Jolley and Kristina Arriaga met with Pastor Brunson in Kiriklar Prison in October 2017, the first nonconsular, nonfamily delegation to visit him.

## Refugee and Asylum Issues

Under the USRAP, the president sets a ceiling on how many vulnerable refugees the United States will accept from abroad each year; under IRFA, religious persecution should be considered in this determination. Since 2001, the refugee admission ceiling has ranged from 70,000 to 110,000, averaging 75,000 per year. The Trump Administration suspended the USRAP for part of 2017 to put in place enhanced vetting procedures and set the ceiling for Fiscal Year (FY) 2017 and FY 2018 at 50,000 and 45,000, respectively. While resettlement to a third country is only possible for less than 1 percent of the world’s refugees, USCIRF has [emphasized](#) its importance for the most vulnerable, especially at a time of appalling mass atrocities and unprecedented forced displacement.

Pursuant to IRFA’s authorization, USCIRF has conducted extensive research into the U.S. government’s treatment of asylum-seekers in Expedited Removal. USCIRF’s reports on the subject—released in [2005](#), [2007](#),

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*Laws other than IRFA also provide tools to sanction individual violators.*

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2013, and 2016—document major problems, which successive administrations have not addressed. In 2017, the Trump Administration expanded the use of Expedited Removal, which allows Department of Homeland Security (DHS) officers to quickly deport, without immigration court hearings, noncitizens who arrive at U.S. ports of entry or cross the border without proper documents, unless they establish a credible fear of persecution or torture. USCIRF's monitoring of Expedited Removal over more than a decade has revealed that DHS officials often fail to follow required procedures to

identify asylum-seekers and refer them for credible fear determinations, and that they detain asylum-seekers in inappropriate, prison-like conditions. To ensure the fair and humane treatment of asylum-seekers while protecting U.S. borders, USCIRF has recommended that DHS (1) appoint a high-level official to coordinate refugee and asylum issues and oversee reforms, (2) improve quality assurance measures, (3) give officers additional training, (4) use non-prison-like detention facilities, and (5) increase funding for asylum officers and immigration courts to promptly and fairly adjudicate claims. USCIRF also has urged Congress to exercise oversight on these issues, including by requesting that the Government Accountability Office conduct a study to assess whether noncitizens removed to their home countries under Expedited Removal have faced persecution or torture upon their return.

## ADDITIONAL STATEMENT OF CHAIRMAN DANIEL MARK

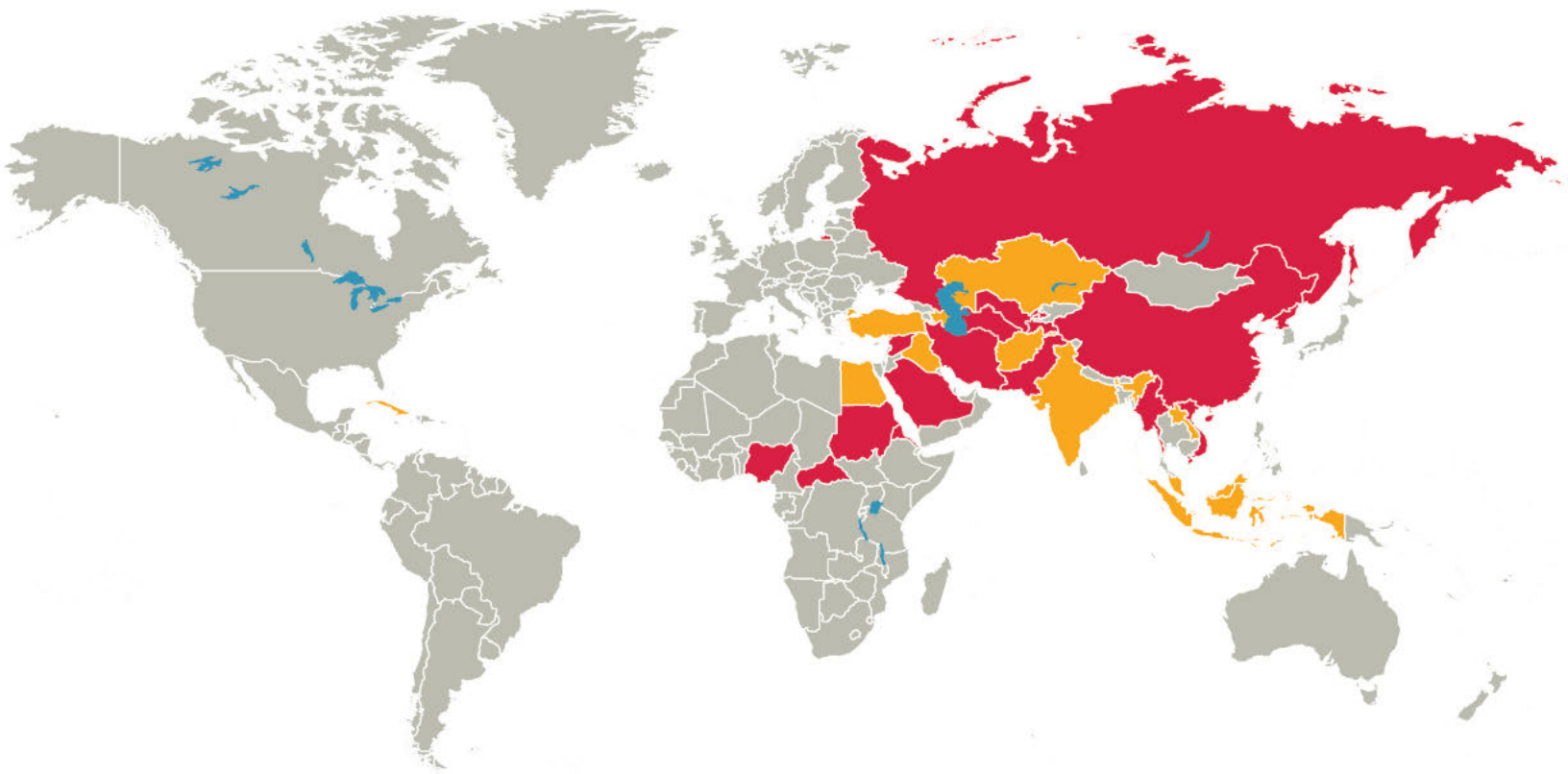
It has been my privilege for the past four years to serve on USCIRF, promoting and defending what we rightly call in this country the “first freedom.” For Americans, religious liberty is our first freedom in part because it comes first in our Bill of Rights. But, in a much deeper way, religious liberty is the first freedom because of its fundamental, foundational nature. It is noteworthy that, twenty years ago, Congress created the U.S. Commission on International Religious Freedom, not on International Human Rights. Human rights,

properly understood, are inalienable and inviolable, but Congress saw then—and many continue to see—that religious freedom deserves pride of place. Though profoundly intertwined with other basic rights such as freedom of expression and association, freedom of

religion stands out as the right for which people are most willing to suffer and die. This is because religious freedom safeguards the right to recognize what is most sacred and to live one's life according to one's sacred obligations. Moreover, religious freedom is the ultimate bulwark against totalitar-

ianism because it stands as a testament to the notion that the human being does not belong to the state and that the person's highest commitments lie beyond the control of government. This is an especially critical lesson in our age of rising authoritarianism, and it may underpin the emerging case that religious freedom is a prerequisite for democracy, rather than the other way around. Finally, with mounting evidence that ties religious freedom tightly to peace and prosperity, we also know it is in nations' interest to respect this paramount right. Though they resist the conclusion at every turn, regimes that wish for stability and development must accept that religious freedom is not the problem but the solution.

# 2018 COUNTRIES



## ■ TIER 1 COUNTRIES OF PARTICULAR CONCERN

Burma	Iran	Russia	Tajikistan
Central African Republic	Nigeria	Saudi Arabia	Turkmenistan
China	North Korea	Sudan	Uzbekistan
Eritrea	Pakistan	Syria	Vietnam

## ■ TIER 2 COUNTRIES

Afghanistan	Cuba	Indonesia	Laos
Azerbaijan	Egypt	Iraq	Malaysia
Bahrain	India	Kazakhstan	Turkey

# U.S. Department of State Diplomacy in Action

## Religious Freedom

Stay Connected With the Office of International Religious Freedom



([https://twitter.com/state\\_irf](https://twitter.com/state_irf))



The Office of International Religious Freedom has the mission of promoting religious freedom

as a core objective of U.S. foreign policy. The office is headed by the Ambassador at Large for International Religious Freedom, Samuel D. Brownback (<http://www.state.gov/r/pa/ei/biog/279094.htm>). We monitor religious persecution and discrimination worldwide, recommend and implement policies in respective regions or countries, and develop programs to promote religious freedom.

Given the U.S. commitment to religious freedom, and to the international covenants that guarantee it as the inalienable right of every human being, the United States seeks to:

Promote freedom of religion and conscience throughout the world as a fundamental human right and as a source of stability for all countries;

Assist emerging democracies in implementing freedom of religion and conscience;

Assist religious and human rights NGOs in promoting religious freedom;

Identify and denounce regimes that are severe persecutors on the basis of religious belief.

The office carries out its mission through:

The Annual Report on International Religious Freedom (<http://www.state.gov/j/drl/rls/irf/>). The report contains an introduction, executive summary, and a chapter describing the status of religious freedom in each of 195 countries throughout the world. Mandated by, and presented to, the U.S. Congress, the report is a public document available online and in book form from the U.S. Government Printing Office.

The designation by the Secretary of State (under authority delegated by the President) of nations guilty of particularly severe violations of religious freedom as "Countries of Particular Concern" (<http://www.state.gov/j/drl/irf/c13003.htm>) under the International Religious Freedom Act of 1998 (H.R. 2431) and its amendment of 1999 (Public Law 106-55). Nations so designated are subject to further actions, including economic sanctions, by the United States.

Meetings with foreign government officials at all levels, as well as religious and human rights groups in the United States and abroad, to address problems of religious freedom.

Testimony before the United States Congress on issues of international religious freedom.

Close cooperation with the independent [United States Commission on International Religious Freedom](http://www.uscifr.gov/) (<http://www.uscifr.gov/>).

Sponsorship of reconciliation programs in disputes which divide groups along lines of religious identity. The office seeks to support NGOs that are promoting reconciliation in such disputes.

Programs of outreach to American religious communities.

For information on religious freedom in the United States please check the website of the [U.S. Department of Justice Civil Rights Division](https://www.justice.gov/crt) (<https://www.justice.gov/crt>), which publishes a newsletter, *Religious Freedom in Focus* (<https://www.justice.gov/crt/combating-religious-discrimination-and-protecting-religious-freedom-12>), covering cases involving religious freedom around the United States. In addition a number of NGOs who monitor human rights issues around the world also report on conditions in the United States.

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## In This Section:

[Country Reports](http://www.state.gov/j/drl/irf/rpt/index.htm) (<http://www.state.gov/j/drl/irf/rpt/index.htm>)

[Frequently Asked Questions: IRF Report and Countries of Particular Concern](http://www.state.gov/j/drl/irf/c13003.htm) (<http://www.state.gov/j/drl/irf/c13003.htm>)

[Monitoring and Combating Anti-Semitism](https://www.state.gov/s/rga/seas/index.htm) (<https://www.state.gov/s/rga/seas/index.htm>)

[Defining Anti-Semitism](http://www.state.gov/s/rga/resources/267538.htm) (<http://www.state.gov/s/rga/resources/267538.htm>)

[Special Advisor for Religious Minorities in the Near East and South/Central Asia](https://www.state.gov/r/pa/ei/biog/bureau/248061.htm) (<https://www.state.gov/r/pa/ei/biog/bureau/248061.htm>)

[Legislation](http://www.state.gov/j/drl/irf/c2132.htm) (<http://www.state.gov/j/drl/irf/c2132.htm>)

[Remarks](http://www.state.gov/j/drl/irf/rm/index.htm) (<http://www.state.gov/j/drl/irf/rm/index.htm>)

[Press Releases](http://www.state.gov/j/drl/irf/prsrl/index.htm) (<http://www.state.gov/j/drl/irf/prsrl/index.htm>)

[Fact Sheets](http://www.state.gov/j/drl/irf/fs/index.htm) (<http://www.state.gov/j/drl/irf/fs/index.htm>)

[Archives](http://www.state.gov/j/drl/irf/archives/index.htm) (<http://www.state.gov/j/drl/irf/archives/index.htm>)

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## Highlights

Office of International Religious Freedom on Twitter

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Special Advisor for Religious Minorities on Twitter

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# U.S. Department of State

## Diplomacy in Action

### Frequently Asked Questions: IRF Report and Countries of Particular Concern

Q: Why does the United States have a responsibility to publish an annual report on International Religious Freedom?

A: Religious freedom is a universally acknowledged right enshrined in numerous international covenants and declarations such as the United Nations Universal Declaration of Human Rights, the United Nations International Covenant on Civil and Political Rights, the Helsinki Accords, and others. When we strive to advance religious freedom, we are simply urging other nations to join with us in upholding a high but universal standard. In addition, respect for religious freedom and tolerance of the practices and beliefs of people of all faiths lie at the heart of the American identity and constitute some of main principles on which this country was founded. The United States has continued to attract new citizens from all over the world for this very reason. No country has a perfect record of religious freedom, including the United States, and we can all endeavor to reach a higher standard. We support the right of all countries to speak out when human rights, including religious freedom, are abused.

Q: Under what authority does the Department of State produce its annual report on International Religious Freedom and designate "Countries of Particular Concern" (CPCs)?

A: Congress passed the International Religious Freedom Act (IRFA) of 1998 that established the Department of State's Office of International Religious Freedom headed by an Ambassador at Large for International Religious Freedom. The IRFA requires the preparation and transmittal to Congress of an Annual Report on International Religious Freedom detailing the status of religious freedom in each foreign country, violations of religious freedom by foreign governments, and United States' actions and policies in support of religious freedom. Separately, the IRFA also requires that each year the President designate as a "Country of Particular Concern" each country the government of which has engaged in or tolerated systematic, ongoing and egregious violations of religious freedom.

Q: What does being designated a "Country of Particular Concern" mean and how is it decided which countries to designate?

A: The IRFA requires an annual review of the status of religious freedom worldwide and the designation of countries that have "engaged in or tolerated particularly severe violations of religious freedom" during the reporting period. The IRFA defines particularly severe violations of religious freedom as systematic, ongoing, egregious violations of religious freedom, including violations such as torture, degrading treatment or punishment, prolonged detention without charges, abduction or clandestine detention, or other flagrant denial of the right to life, liberty, or the security of persons. The President's authority to designate CPCs has been delegated to the Secretary of State. In those cases where the Secretary of State designates a CPC, Congress is notified, and where non-economic policy options designed to bring about cessation of the particularly severe violations of religious freedom have reasonably been exhausted, an economic measure generally must be imposed.

Q: What is a "Special Watch List" country ?

A: The Frank R. Wolf International Religious Freedom Act of 2016 amends the IRFA to provide the U.S. Government new tools, resources, and responsibilities to advance and promote international religious freedom. It requires the President to designate a "Special Watch List" of countries deemed not to meet all of the CPC criteria but who

engaged in or tolerated severe violations of religious freedom. This authority was delegated to the Secretary of State. The Secretary takes into consideration all of the information available in conducting his review, and he has the ultimate responsibility for interpreting the legal standard for SWL designation.

Q: What are the currently designated CPCs and SWL countries?

A: On December 22, 2017, the Secretary of State re-designated Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan as CPCs. The Secretary also designated Pakistan a Special Watch List Country.

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# U.S. Department of State

## Diplomacy in Action

### Release of the 2017 Annual Report on International Religious Freedom

Remarks

Mike Pompeo

Secretary of State

Press Briefing Room

Washington, DC

May 29, 2018

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**MS NAUERT:** Good morning, everyone, and welcome to the State Department. Thank you for coming in so early this morning for the unveiling of the International Religious Freedom Report (<https://www.state.gov/j/drl/rls/irf/religiousfreedom/>). I'd like to first introduce Secretary Pompeo, who will give some brief remarks and an announcement. And then Ambassador Sam Brownback, who is our global ambassador for religious freedom, will then unveil the report and take some of your questions. And I'll moderate, since we all know one another, so I'll call on you. And then we'll have to wrap it up.

Thank you so much. Secretary Pompeo, go right ahead, sir.

**SECRETARY POMPEO:** Thank you. Thanks, Heather.

Good morning, everyone. It is my great privilege to join you this morning and to release the 2017 International Religious Freedom Report (<https://www.state.gov/j/drl/rls/irf/religiousfreedom/>). This report is a testament to the United States' historic role in preserving and advocating for religious freedom around the world.

Religious freedom is in the American bloodstream. It's what brought the pilgrims here from England. Our founders understood it as our first freedom. That is why they articulated it so clearly in the First Amendment. As James Madison wrote years before he was president or secretary of state, quote, "conscience is the most sacred of all property," end of quote.

Religious freedom was vital to America's beginning. Defending it is critical to our future.

Religious freedom is not only ours. It is a right belonging to every individual on the globe. President Trump stands with those who yearn for religious liberty. Our Vice President stands with them, and so do I.

Advancing liberty and religious freedom advances America's interests. Where fundamental freedoms of religion, expression, press, and peaceful assembly are under attack, we find conflict, instability, and terrorism. On the other hand, governments and societies that champion these freedoms are more secure, stable, and peaceful.

So for all of these reasons, protecting and promoting global respect for religious freedom is a priority of the Trump administration. As our National Security Strategy so clearly states: "Our Founders understood religious freedom not as the state's creation, but as the gift of God to every person and a fundamental right for a flourishing society." We're committed to promoting religious freedom around the world, both now and in the future.

And Ambassador Brownback and I will talk about that today. We have underscored that commitment with his appointment. It's great to have a friend and a fellow Kansan up here with me today. International religious freedom deserves to be a front-burner issue, and Ambassador Brownback and I, with him leading the way, will ensure that it continues to be so.

The ambassador and our team in our Office of International Religious Freedom have been working tirelessly throughout the federal government and with our colleagues here at the department and in embassies overseas with NGOs, foreign partners to defend religious freedom in the farthest corners of the globe.

This report demonstrates the hard work of American diplomats to protect American and universal values. I'm proud of my team in completing this report. The release of the 2017 International Religious Freedom Report is critical to our mission to defend religious liberty. It brings to light the state of religious freedom all over the world. It documents, across 200 countries and territories, reports of violations and abuses committed by governments, terrorist groups, and individuals so that we may work together to solve them.

I have a number of examples here. For the sake of time, I'm going to pass through them. But know that we are working in countries around the world to ensure that religious freedom remains the case, and where it is not, that it becomes so.

Governor – or excuse me, Ambassador Brownback will provide to you more details. But we are very ignited<sup>[1]</sup> to announce that later this year we will celebrate the 20th anniversary of the International Religious Freedom Act, a law that reinforces America's commitment to religious freedom and to helping the persecuted. It is also the 70th anniversary of the Universal Declaration of Human Rights by the UN, which proclaimed the importance of human rights, including the right for religious freedom.

The world has made important strides, but we still have a lot of work to do. In that regard, I am pleased to announce that the United States will host the first ever Ministerial to Advance Religious Freedom at the Department of State on July 25th and 26th of this year.

I look forward to hosting my counterparts from likeminded governments, as well as representatives of international organizations, religious communities, and civil society to reaffirm our commitment to religious freedom as a universal human right. This ministerial, we expect, will break new ground. It will not just be a discussion group. It will be about action. We look forward to identifying concrete ways to push back against persecution and ensure greater respect for religious freedom for all.

The ministerial will also be my first to host as a Secretary of State, and that's very intentional. Religious freedom is indeed a universal human right that I will fight for, one that our team at the department will continue to fight for, and one that I know President Trump will continue to fight for. The United States will not stand by as spectators. We will get in the ring and stand in solidarity with every individual who seeks to enjoy their most fundamental of human rights.

Thank you all for your time. Ambassador Brownback, thank you for this putting this together. I look forward to working with you on it.

**QUESTION:** Sir, what about the religious prisoners in North Korea? Are you going to discuss that? Are you going to meet in New York?

**QUESTION:** Sir, do you plan to meet with Kim Yong-chol?

[1] excited

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## Learn More

Five Things to Know About this Year's International Religious Freedom Report

Release» (<http://www.state.gov/r/pa/prs/ps/2018/05/282595.htm>)

Briefing by Ambassador-at-Large for International Religious Freedom Sam Brownback on the Release of the 2017 Annual Report on International Religious

Freedom» (<http://www.state.gov/r/pa/prs/ps/2018/05/282795.htm>)

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## OVERVIEW AND ACKNOWLEDGEMENTS

### Why and How the Reports are Prepared

The Department of State submits this annual report to the Congress in compliance with section 102(b) of the International Religious Freedom Act of 1998 (P.L. 105-292), as amended. This report covers the period between January 1 and December 31, 2017.

U.S. embassies prepare the initial drafts of country chapters based on information from government officials, religious groups, nongovernmental organizations, journalists, human rights monitors, academics, and others. The Office of International Religious Freedom, based in Washington, collaborates in collecting and analyzing additional information, drawing on its consultations with foreign government officials, domestic and foreign religious groups, domestic and foreign nongovernmental organizations, multilateral and other international and regional organizations, journalists, academic experts, community leaders, and other relevant U.S. government institutions.

*The State Department's guiding principle is to ensure that all relevant information is presented as objectively, thoroughly, and fairly as possible. Motivations and accuracy of sources vary, however, and the Department of State is not in a position to verify independently all information contained in the reports. To the extent possible, the reports use multiple sources to increase comprehensiveness and reduce potential for bias. The views of any particular source are not necessarily those of the United States government. The report is designed to spotlight examples of government and societal action that typify and illuminate issues reported in each country. Specific inclusions or omissions should not be interpreted as a signal that a particular case is of greater or lesser importance to the U.S. government, or that a case is the only available example. Rather, the goal is to shed light on the nature, scope, and severity of actions impacting religious freedom through illustrative examples.*

## Acknowledgements

This report reflects the efforts of hundreds of people in the Department of State and at U.S. missions abroad. We thank the dedicated staff at our embassies and consulates for monitoring and promoting religious freedom, and for chronicling in detail the status of religious liberty. Many of them went to great lengths under difficult circumstances to acquire the information in this report.

The reports were produced under the direction of Ambassador at Large for International Religious Freedom Sam Brownback, with guidance from Bureau of Democracy, Human Rights, and Labor (DRL) Senior Bureau Official Michael G. Kozak, Deputy Assistant Secretary Randy W. Berry, Deputy Assistant Secretary Scott Busby, and Special Advisor Knox Thames.

The editorial staff of the International Religious Freedom Report consists of the following: Editor-in-Chief: Robert W. Boehme; Senior Editors: Victoria Alvarado, Daniel T. Fantozzi, James A. McVerry, Carol Rodley, and Vicente Valle; Office of International Religious Freedom Director Daniel L. Nadel and Deputy Director Daniel W. Wright; the office's editorial and support staff: Tony Agayby, Eun Si Aum, Robbie Austin, Natalie Balents, Chelsea Brint, Mariyam A. Cementwala, Warren Cofsky, Sean Comber, Stacy Bernard Davis, Rachel Eilbaum, Katherine Georgett, Andrew Goodman, Sameer Hossain, Christina Hull, Sarah Krech, Amith Mandavilli, Benjamin W. Medina, Elise Mellinger, Mariah J. Mercer, Douglas Padgett, Kourtney Pompei, Amy Porter, Robin Schulman, Ian Turner, Victoria L. Thoman, and Laurel Voloder; and Technical Coordinator: Geoffrey Palcher.

Special thanks to Laura Conn in the Office of the Legal Advisor, and to Aaron Bruce, Jonathan Collett, Janine Czarnecki, Carol Finerty, Claudette Laprise, and Kerri Spindler-Ranta in DRL's Office of Policy Planning and Public Diplomacy for their contributions.

# U.S. Department of State

## Diplomacy in Action

Bureau of Democracy, Human Rights and Labor ([/j/drl/](#))

### International Religious Freedom Report for 2016

[Translations \(/www.state.gov/j/drl/rls/irf/translations/index.htm\)](#) | [Other Years \(/j/drl/rls/irf/index.htm\)](#)

[Basic Text \(/j/drl/rls/irf/2016/index.htm\)](#)

#### Step 1: Select Sections

#### Step 2: Select Countries/Other Areas

#### Step 3: Build Report

#### Step 1: Select Sections

#### Step 2: Select Countries/Other Areas

Select the countries or other areas to include:

[Africa \(0\)](#)

[East Asia and the Pacific \(0\)](#)

[Europe and Eurasia \(0\)](#)

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Congo, Democratic Republic of the

Congo, Republic of the

Cote d'Ivoire

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Eritrea

Ethiopia  
Gabon  
Gambia, The  
Ghana  
Guinea  
Guinea-Bissau  
Kenya  
Lesotho  
Liberia  
Madagascar  
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[Western Hemisphere \(0\)](#)

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*above to see its full report.*

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Step 3: Build Report

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**The UN Refugee Agency**

**Distr.  
GENERAL**

**HCR/GIP/04/06**

**28 April 2004**

**Original: ENGLISH**

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**GUIDELINES ON INTERNATIONAL PROTECTION:  
Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention  
and/or the 1967 Protocol relating to the Status of Refugees**

UNHCR issues these Guidelines pursuant to its mandate, as contained in the 1950 *Statute of the Office of the United Nations High Commissioner for Refugees*, in conjunction with Article 35 of the *1951 Convention relating to the Status of Refugees* and Article II of its *1967 Protocol*. These Guidelines complement the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* (1979, re-edited, Geneva, January 1992). They are informed, *inter alia*, by a roundtable organised by UNHCR and the Church World Service in Baltimore, Maryland, United States, in October 2002, as well as by an analysis of relevant State practice and international law.

These Guidelines are intended to provide interpretative legal guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field.

**GUIDELINES ON INTERNATIONAL PROTECTION**  
**Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention**  
**and/or the 1967 Protocol relating to the Status of Refugees**

**I. INTRODUCTION**

1. Claims to refugee status based on religion can be among the most complex. Decision-makers have not always taken a consistent approach, especially when applying the term “religion” contained in the refugee definition of the 1951 Convention relating to the Status of Refugees and when determining what constitutes “persecution” in this context. Religion-based refugee claims may overlap with one or more of the other grounds in the refugee definition or, as can often happen, they may involve post-departure conversions, that is, *sur place* claims. While these Guidelines do not purport to offer a definitive definition of “religion”, they provide decision-makers with guiding parameters to facilitate refugee status determination in such cases.

2. The right to freedom of thought, conscience and religion is one of the fundamental rights and freedoms in international human rights law. In determining religion-based claims, it is therefore useful, *inter alia*, to draw on Article 18 of the 1948 Universal Declaration of Human Rights (the “Universal Declaration”) and Articles 18 and 27 of the 1966 International Covenant on Civil and Political Rights (the “International Covenant”). Also relevant are the General Comments issued by the Human Rights Committee,<sup>1</sup> the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief, the 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities and the body of reports of the Special Rapporteur on Religious Intolerance.<sup>2</sup> These international human rights standards provide guidance in defining the term “religion” also in the context of international refugee law, against which action taken by States to restrict or prohibit certain practices can be examined.

**II. SUBSTANTIVE ANALYSIS**

**A. Defining “religion”**

3. The refugee definition contained in Article 1A(2) of the 1951 Convention states:
- A. For the purposes of the present Convention, the term “refugee” shall apply to any person who: ...
    - (2) ... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former

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<sup>1</sup> See, in particular, Human Rights Committee, General Comment No. 22, adopted 20 July 1993, UN doc. CCPR/C/21/Rev.1/ADD.4, 27 September 1993.

<sup>2</sup> The latter can be found at <http://www.unhchr.ch/huridocda/huridoca.nsf/FramePage/intolerance+En?OpenDocument>. Relevant regional instruments include Article 9 of the 1950 European Convention on Human Rights; Article 12 of the 1969 American Convention on Human Rights; Article 8 of the 1981 African Charter on Human and Peoples’ Rights.

habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

4. The *travaux préparatoires* of the 1951 Convention show that religion-based persecution formed an integral and accepted part of the refugee definition throughout the drafting process. There was, however, no attempt to define the term as such.<sup>3</sup> No universally accepted definition of “religion” exists, but the instruments mentioned in paragraph 2 above certainly inform the interpretation of the term “religion” in the international refugee law context. Its use in the 1951 Convention can therefore be taken to encompass freedom of thought, conscience or belief.<sup>4</sup> As the Human Rights Committee notes, “religion” is “not limited ... to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions”.<sup>5</sup> It also broadly covers acts of failing or refusing to observe a religion or to hold any particular religious belief. The term is not, however, without limits and international human rights law foresees a number of legitimate boundaries on the exercise of religious freedom as outlined in greater detail in paragraphs 15–16 below.

5. Claims based on “religion” may involve one or more of the following elements:

- a) religion as belief (including non-belief);
- b) religion as identity;
- c) religion as a way of life.

6. “Belief”, in this context, should be interpreted so as to include theistic, non-theistic and atheistic beliefs. Beliefs may take the form of convictions or values about the divine or ultimate reality or the spiritual destiny of humankind. Claimants may also be considered heretics, apostates, schismatic, pagans or superstitious, even by other adherents of their religious tradition and be persecuted for that reason.

7. “Identity” is less a matter of theological beliefs than membership of a community that observes or is bound together by common beliefs, rituals, traditions, ethnicity, nationality, or ancestry. A claimant may identify with, or have a sense of belonging to, or be identified by others as belonging to, a particular group or community. In many cases, persecutors are likely to target religious groups that are different from their own because they see that religious identity as part of a threat to their own identity or legitimacy.

8. For some individuals, “religion” is a vital aspect of their “way of life” and how they relate, either completely or partially, to the world. Their religion may manifest itself in such activities as the wearing of distinctive clothing or observance of particular religious practices, including observing religious holidays or dietary

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<sup>3</sup> A key source in States’ deliberations was the refugee definition set out in the 1946 Constitution of the International Refugee Organisation (IRO). This included those expressing valid objections to return because of a fear of persecution on grounds of “race, religion, nationality or political opinions”. (A fifth ground, membership of a particular social group, was approved later in the negotiating process for the 1951 Convention.)

<sup>4</sup> See, also, UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status*, 1979, Geneva, re-edited 1992 (hereafter “UNHCR Handbook”), paragraph 71.

<sup>5</sup> Human Rights Committee, General Comment No. 22, above note 1, paragraph 2.

requirements. Such practices may seem trivial to non-adherents, but may be at the core of the religion for the adherent concerned.

9. Establishing sincerity of belief, identity and/or a certain way of life may not necessarily be relevant in every case.<sup>6</sup> It may not be necessary, for instance, for an individual (or a group) to declare that he or she belongs to a religion, is of a particular religious faith, or adheres to religious practices, where the persecutor imputes or attributes this religion, faith or practice to the individual or group. As is discussed further below in paragraph 31, it may also not be necessary for the claimant to know or understand anything about the religion, if he or she has been identified by others as belonging to that group and fears persecution as a result. An individual (or group) may be persecuted on the basis of religion, even if the individual or other members of the group adamantly deny that their belief, identity and/or way of life constitute a “religion”.

10. Similarly, birth into a particular religious community, or a close correlation between race and/or ethnicity on the one hand and religion on the other could preclude the need to enquire into the adherence of an individual to a particular faith or the bona fides of a claim to membership of that community, if adherence to that religion is attributed to the individual.

## **B. Well-founded fear of persecution**

### **a) General**

11. The right to freedom of religion includes the freedom to manifest one’s religion or belief, either individually or in community with others and in public or private in worship, observance, practice and teaching.<sup>7</sup> The only circumstances under which this freedom may be restricted are set out in Article 18(3) of the International Covenant, as described in paragraphs 15–16 below.

12. Persecution for reasons of religion may therefore take various forms. Depending on the particular circumstances of the case, including the effect on the individual concerned, examples could include prohibition of membership of a religious community, of worship in community with others in public or in private, of religious instruction, or serious measures of discrimination imposed on individuals because they practise their religion, belong to or are identified with a particular religious community, or have changed their faith.<sup>8</sup> Equally, in communities in which a dominant religion exists or where there is a close correlation between the State and religious institutions, discrimination on account of one’s failure to adopt the dominant religion or to adhere to its practices, could amount to persecution in a particular case.<sup>9</sup> Persecution may be inter-religious (directed against adherents or communities of different faiths), intra-religious (within the same religion, but between different sects,

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<sup>6</sup> For further analysis of credibility issues, see paragraphs 28–33 below.

<sup>7</sup> See Universal Declaration, Article 18 and International Covenant, Article 18(1).

<sup>8</sup> UNHCR Handbook, above note 4, paragraph 72.

<sup>9</sup> In this context, Article 27 of the International Covenant reads: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

or among members of the same sect), or a combination of both.<sup>10</sup> The claimant may belong to a religious minority or majority. Religion-based claims may also be made by individuals in marriages of mixed religions.

13. Applying the same standard as for other Convention grounds, religious belief, identity, or way of life can be seen as so fundamental to human identity that one should not be compelled to hide, change or renounce this in order to avoid persecution.<sup>11</sup> Indeed, the Convention would give no protection from persecution for reasons of religion if it was a condition that the person affected must take steps – reasonable or otherwise – to avoid offending the wishes of the persecutors. Bearing witness in words and deeds is often bound up with the existence of religious convictions.

14. Each claim requires examination on its merits on the basis of the individual's situation. Relevant areas of enquiry include the individual profile and personal experiences of the claimant, his or her religious belief, identity and/or way of life, how important this is for the claimant, what effect the restrictions have on the individual, the nature of his or her role and activities within the religion, whether these activities have been or could be brought to the attention of the persecutor and whether they could result in treatment rising to the level of persecution. In this context, the well-founded fear “need not necessarily be based on the applicant's own personal experience”. What, for example, happened to the claimant's friends and relatives, other members of the same religious group, that is to say to other similarly situated individuals, “may well show that his [or her] fear that sooner or later he [or she] also will become a victim of persecution is well-founded”.<sup>12</sup> Mere membership of a particular religious community will normally not be enough to substantiate a claim to refugee status. As the UNHCR Handbook notes, there may, however, be special circumstances where mere membership suffices, particularly when taking account of the overall political and religious situation in the country of origin, which may indicate a climate of genuine insecurity for the members of the religious community concerned.<sup>13</sup>

## **b) Restrictions or limitations on the exercise of religious freedom**

15. Article 18(3) of the International Covenant permits restrictions on the “freedom to manifest one's religion or beliefs” if these limits “are prescribed by law and are

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<sup>10</sup> Interim Report of the Special Rapporteur on Religious Intolerance, “Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief”, UN doc. A/53/279, 24 August 1998, paragraph 129.

<sup>11</sup> See also, UNHCR, “Guidelines on International Protection: ‘Membership of a particular social group’ within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees”, HCR/GIP/02/02, 7 May 2002, paragraph 6. Similarly, in internal flight or relocation cases, the claimant should not be expected or required to suppress his or her religious views to avoid persecution in the internal flight or relocation area. See UNHCR, “Guidelines on International Protection: ‘Internal Flight or Relocation Alternative’ within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees”, HCR/GIP/03/04, 23 July 2003, paragraphs 19, 25.

<sup>12</sup> UNHCR Handbook, above note 4, paragraph 43.

<sup>13</sup> UNHCR Handbook, above note 4, paragraph 73.

necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”. As the Human Rights Committee notes: “Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.”<sup>14</sup> In assessing the legitimacy of the restriction or limitation at issue, it is therefore necessary to analyse carefully why and how it was imposed. Permissible restrictions or limitations could include measures to prevent criminal activities (for example, ritual killings), or harmful traditional practices and/or limitations on religious practices injurious to the best interests of the child, as judged by international law standards. Another justifiable, even necessary, restriction could involve the criminalisation of hate speech, including when committed in the name of religion. The fact that a restriction on the exercise of a religious freedom finds the support of the majority of the population in the claimant’s country of origin and/or is limited to the manifestation of the religion in public is irrelevant.

16. In determining whether restrictions or limitations rise to the level of persecution, the decision-maker must not only take into account international human rights standards, including lawful limitations on the exercise of religious freedom, but also evaluate the breadth of the restriction and the severity of any punishment for non-compliance. The importance or centrality of the practice within the religion and/or to the individual personally is also relevant. The decision-maker should proceed cautiously with such inquiries, taking into account the fact that what may seem trivial to an outsider may be central to the claimant’s beliefs. Where the restricted practice is not important to the individual, but important to the religion, then it is unlikely to rise to the level of persecution without additional factors. By contrast, the restricted religious practice may not be so significant to the religion, but may be particularly important to the individual, and could therefore still constitute persecution on the basis of his or her conscience or belief.

### **c) Discrimination**

17. Religion-based claims often involve discrimination.<sup>15</sup> Even though discrimination for reasons of religion is prohibited under international human rights law, all discrimination does not necessarily rise to the level required for recognition of refugee status. For the purposes of analysing an asylum claim, a distinction should be made between discrimination resulting merely in preferential treatment and discrimination amounting to persecution because, in aggregate or of itself, it seriously restricts the claimant’s enjoyment of fundamental human rights. Examples of discrimination amounting to persecution would include, but are not limited to, discrimination with consequences of a substantially prejudicial nature for the person concerned, such as serious restrictions on the right to earn a livelihood, or to access normally available educational institutions and/or health services. This may also be so where economic measures imposed “destroy the economic existence” of a particular religious group.<sup>16</sup>

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<sup>14</sup> See Human Rights Committee, General Comment No. 22, above note 1, paragraph 8.

<sup>15</sup> See generally, UNHCR Handbook, above note 4, paragraphs 54–55.

<sup>16</sup> UNHCR Handbook, above note 4, paragraphs 54 and 63.

18. The existence of discriminatory laws will not normally in itself constitute persecution, although they can be an important, even indicative, factor which therefore needs to be taken into account. An assessment of the implementation of such laws and their effect is in any case crucial to establishing persecution. Similarly, the existence of legislation on religious freedom does not of itself mean individuals are protected. In many cases, such legislation may not be implemented in practice or custom or tradition may, for instance, in practice override this.

19. Discrimination may also take the form of restrictions or limitations on religious belief or practice. Restrictions have, for instance, included penalties for converting to a different faith (apostasy) or for proselytising, or for celebrating religious festivals particular to the religion concerned. The compulsory registration of religious groups and the imposition of specific regulations governing them to restrict the exercise of freedom of religion or belief can also have a discriminatory aim or results. Such actions are legitimate only if they are “specified by law, objective, reasonable and transparent and, consequently, if they do not have the aim or the result of creating discrimination”.<sup>17</sup>

#### **d) Forced conversion**

20. Forced conversion to a religion is a serious violation of the fundamental human right to freedom of thought, conscience and religion and would often satisfy the objective component of persecution. The claimant would still need to demonstrate a subjective fear that the conversion would be persecutory to him or her personally. Generally, this would be satisfied if the individual held convictions or faith or had a clear identity or way of life in relation to a different religion, or if he or she had chosen to be disassociated from any religious denomination or community. Where a claimant held no particular religious conviction (including one of atheism) nor a clear identification with a particular religion or religious community before the conversion or threat of conversion, it would be necessary to assess the impact of such a conversion on the individual (for example, it may be an act without correlative personal effects).

#### **e) Forced compliance or conformity with religious practices**

21. Forced compliance with religious practices might, for example, take the form of mandated religious education that is incompatible with the religious convictions, identity or way of life of the child or the child’s parents.<sup>18</sup> It might also involve an obligation to attend religious ceremonies or swear an oath of allegiance to a particular religious symbol. In determining whether such forced compliance constitutes persecution, the policies or acts with which the person or group is required to comply, the extent to which they are contrary to the person’s belief, identity or way of life and the punishment for non-compliance should be examined. Such forced compliance could rise to the level of persecution if it becomes an intolerable interference with the

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<sup>17</sup> Special Rapporteur on freedom of religion or belief, interim report annexed to Note by the Secretary-General, “Elimination of All Forms of Religious Intolerance”, UN doc. A/58/296, 19 August 2003, paragraphs 134–35.

<sup>18</sup> This would be likely also to interfere with the undertaking of States to respect the liberty of parents or legal guardians to ensure the religious and moral education of their children in conformity with their own convictions under Article 18(4) of the International Covenant.

individual's own religious belief, identity or way of life and/or if non-compliance would result in disproportionate punishment.

22. Forced compliance may also involve the imposition of a particular criminal or civil legal code purported to be based on a religious doctrine to which non-observers might object. Where such a code contains discriminatory substantive or procedural safeguards and especially where it imposes different levels of punishment upon adherents and non-adherents, it could well be regarded as persecutory. Where the law imposes disproportionate punishment for breaches of the law (for example, imprisonment for blasphemy or practising an alternative religion, or death for adultery), whether or not for adherents of the same religion, it would constitute persecution. Such cases are more common where there is limited or no separation between the State and the religion.

23. A specific religious code may be persecutory not just when enforced against non-observers, but also when applied to dissidents within or members of the same faith. The enforcement of anti-blasphemy laws, for example, can often be used to stifle political debate among co-religionists and could constitute persecution on religious and/or political grounds even when enforced against members of the same religion.

### **C. Special considerations**

#### **a) Gender**

24. Particular attention should be paid to the impact of gender on religion-based refugee claims, as women and men may fear or suffer persecution for reasons of religion in different ways to each other. Clothing requirements, restrictions on movement, harmful traditional practices, or unequal or discriminatory treatment, including subjection to discriminatory laws and/or punishment, may all be relevant.<sup>19</sup> In some countries, young girls are pledged in the name of religion to perform traditional slave duties or to provide sexual services to the clergy or other men. They may also be forced into underage marriages, punished for honour crimes in the name of religion, or subjected to forced genital mutilation for religious reasons. Others are offered to deities and subsequently bought by individuals believing that they will be granted certain wishes. Women are still identified as “witches” in some communities and burned or stoned to death.<sup>20</sup> These practices may be culturally condoned in the

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<sup>19</sup> For more information, see UNHCR, “Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees”, HCR/GIP/02/01, 7 May 2002, especially paragraphs 25–26.

<sup>20</sup> For description of these practices, see “Integration of the Human Rights of Women and the Gender Perspective Violence against Women, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49, Cultural practices in the family that are violent towards women”, E/CN.4/2002/83, 31 January 2002, available at [http://www.unhchr.ch/huridocda/huridoca.nsf/0/42E7191FAE543562C1256BA7004E963C/\\$File/G0210428.doc?OpenElement](http://www.unhchr.ch/huridocda/huridoca.nsf/0/42E7191FAE543562C1256BA7004E963C/$File/G0210428.doc?OpenElement); “Droits Civils et Politiques et, Notamment: Intolérance Religieuse”, Rapport soumis par M. Abdelfattah Amor, Rapporteur spécial, conformément à la résolution 2001/42 de la Commission des droits de l’homme, Additif: “Étude sur la liberté

claimant's community of origin but still amount to persecution. In addition, individuals may be persecuted because of their marriage or relationship to someone of a different religion than their own. When, due to the claimant's gender, State actors are unwilling or unable to protect the claimant from such treatment, it should not be mistaken as a private conflict, but should be considered as valid grounds for refugee status.

## **b) Conscientious objection**

25. A number of religions or sects within particular religions have abstention from military service as a central tenet and a significant number of religion-based claimants seek protection on the basis of refusal to serve in the military. In countries where military service is compulsory, failure to perform this duty is frequently punishable by law. Moreover, whether military service is compulsory or not, desertion is invariably a criminal offence.<sup>21</sup>

26. Where military service is compulsory, refugee status may be established if the refusal to serve is based on genuine political, religious, or moral convictions, or valid reasons of conscience.<sup>22</sup> Such claims raise the distinction between prosecution and persecution. Prosecution and punishment pursuant to a law of general application is not generally considered to constitute persecution,<sup>23</sup> although there are some notable exceptions. In conscientious objector cases, a law purporting to be of general application may, depending on the circumstances, nonetheless be persecutory where, for instance, it impacts differently on particular groups, where it is applied or enforced in a discriminatory manner, where the punishment itself is excessive or disproportionately severe, or where the military service cannot reasonably be expected to be performed by the individual because of his or her genuine beliefs or religious convictions. Where alternatives to military service, such as community service, are imposed there would not usually be a basis for a claim. Having said this, some forms of community service may be so excessively burdensome as to constitute a form of punishment, or the community service might require the carrying out of acts which clearly also defy the claimant's religious beliefs. In addition, the claimant may be able to establish a claim to refugee status where the refusal to serve in the military is not occasioned by any harsh penalties, but the individual has a well-founded fear of serious harassment, discrimination or violence by other individuals (for example, soldiers, local authorities, or neighbours) for his or her refusal to serve.

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de religion ou de conviction et la condition de la femme au regard de la religion et des traditions", E/CN.4/2002/73/Add.2, 5 avril 2002, available (only in French) at <http://www.unhchr.ch/huridocda/huridoca.nsf/2848af408d01ec0ac1256609004e770b/9fa99a4d3f9eade5c1256b9e00510d71?OpenDocument&Highlight=2,E%2FCN.4%2F2002%2F73%2FAdd.2>.

<sup>21</sup> See generally, UNHCR Handbook, above note 4, paragraphs 167–74.

<sup>22</sup> UNHCR Handbook, above note 4, paragraph 170.

<sup>23</sup> UNHCR Handbook, above note 4, paragraph 55–60.

### III. PROCEDURAL ISSUES

#### a) General

27. The following are some general points of particular relevance to examining religion-based refugee claims:

- a) Religious practices, traditions or beliefs can be complex and may vary from one branch or sect of a religion to another or from one country or region to another. For this reason, there is a need for reliable, accurate, up-to-date, and country- or region-specific as well as branch- or sect-specific information.
- b) Refugee status determinations based on religion could also benefit from the assistance of independent experts with *particularised* knowledge of the country, region and context of the particular claim and/or the use of corroborating testimony from other adherents of the same faith.
- c) Decision-makers need to be objective and not arrive at conclusions based solely upon their own experiences, even where they may belong to the same religion as the claimant. General assumptions about a particular religion or its adherents should be avoided.
- d) In assessing religion-based claims, decision-makers need to appreciate the frequent interplay between religion and gender, race, ethnicity, cultural norms, identity, way of life and other factors.
- e) In the selection of interviewers and interpreters, there should be sensitivity regarding any cultural, religious or gender aspects that could hinder open communication.<sup>24</sup>
- f) Interviewers should also be aware of the potential for hostile biases toward the claimant by an interpreter, either because he or she shares the same religion or is not of the same religion, or of any potential fear of the same by the claimant, which could adversely affect his or her testimony. As with all refugee claims, it can be critical that interpreters are well-versed in the relevant terminology.

#### b) Credibility

28. Credibility is a central issue in religion-based refugee claims. While decision-makers will often find it helpful during research and preparation to list certain issues to cover during an interview, extensive examination or testing of the tenets or knowledge of the claimant's religion may not always be necessary or useful. In any case, knowledge tests need to take account of individual circumstances, particularly since knowledge of a religion may vary considerably depending on the individual's social, economic or educational background and/or his or her age or sex.

29. Experience has shown that it is useful to resort to a narrative form of questioning, including through open-ended questions allowing the claimant to explain the personal significance of the religion to him or her, the practices he or she has engaged in (or has avoided engaging in out of a fear of persecution), or any other factors relevant to the reasons for his or her fear of being persecuted. Information may be elicited about the individual's religious experiences, such as asking him or her to describe in detail how he or she adopted the religion, the place and manner of

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<sup>24</sup> See also, UNHCR, "Guidelines on Gender-Related Persecution", above note 19.

worship, or the rituals engaged in, the significance of the religion to the person, or the values he or she believes the religion espouses. For example, the individual may not be able to list the Ten Commandments or name the Twelve Imams, but may be able to indicate an understanding of the religion's basic tenets more generally. Eliciting information regarding the individual's religious identity or way of life will often be more appropriate and useful and may even be necessary. It should also be noted that a claimant's detailed knowledge of his or her religion does not necessarily correlate with sincerity of belief.

30. As indicated in paragraph 9 above, individuals may be persecuted on the basis of their religion even though they have little or no substantive knowledge of its tenets or practices. A lack of knowledge may be explained by further research into the particular practices of that religion in the area in question or by an understanding of the subjective and personal aspects of the claimant's case. For instance, the level of repression against a religious group in a society may severely restrict the ability of an individual to study or practise his or her religion. Even when the individual is able to receive religious education in a repressive environment, it may not be from qualified leaders. Women, in particular, are often denied access to religious education. Individuals in geographically remote communities may espouse adherence to a particular religion and face persecution as a result, yet have little knowledge of its formal practices. Over time, communities may adapt particular religious practices or faith to serve their own needs, or combine them with their more traditional practices and beliefs, especially where the religion has been introduced into a community with long-established traditions. For example, the claimant may not be able to distinguish between those practices which are Christian and those which are animist.

31. Less formal knowledge may also be required of someone who obtained a particular religion by birth and who has not widely practised it. No knowledge is required where a particular religious belief or adherence is imputed or attributed to a claimant.

32. Greater knowledge may be expected, however, of individuals asserting they are religious leaders or who have undergone substantial religious instruction. It is not necessary for such teaching or training to conform fully to objectively tested standards, as these may vary from region to region and country to country, but some clarification of their role and the significance of certain practices or rites to the religion would be relevant. Even claimants with a high level of education or schooling in their religion may not have knowledge of teachings and practices of a more complex, formal or obscure nature.

33. Subsequent and additional interviews may be required where certain statements or claims made by the claimant are incompatible with earlier statements or with general understandings of the religious practices of other members of that religion in the area or region in question. Claimants must be given an opportunity to explain any inconsistencies or discrepancies in their story.

### c) Conversion post departure

34. Where individuals convert after their departure from the country of origin, this may have the effect of creating a *sur place* claim.<sup>25</sup> In such situations, particular credibility concerns tend to arise and a rigorous and in depth examination of the circumstances and genuineness of the conversion will be necessary. Issues which the decision-maker will need to assess include the nature of and connection between any religious convictions held in the country of origin and those now held, any disaffection with the religion held in the country of origin, for instance, because of its position on gender issues or sexual orientation, how the claimant came to know about the new religion in the country of asylum, his or her experience of this religion, his or her mental state and the existence of corroborating evidence regarding involvement in and membership of the new religion.

35. Both the specific circumstances in the country of asylum and the individual case may justify additional probing into particular claims. Where, for example, systematic and organised conversions are carried out by local religious groups in the country of asylum for the purposes of accessing resettlement options, and/or where “coaching” or “mentoring” of claimants is commonplace, testing of knowledge is of limited value. Rather, the interviewer needs to ask open questions and try to elicit the motivations for conversion and what effect the conversion has had on the claimant’s life. The test remains, however, whether he or she would have a well-founded fear of persecution on a Convention ground if returned. Regard should therefore be had as to whether the conversion may come to the notice of the authorities of the person’s country of origin and how this is likely to be viewed by those authorities.<sup>26</sup> Detailed country of origin information is required to determine whether a fear of persecution is objectively well-founded.

36. So-called “self-serving” activities do not create a well-founded fear of persecution on a Convention ground in the claimant’s country of origin, if the opportunistic nature of such activities will be apparent to all, including the authorities there, and serious adverse consequences would not result if the person were returned. Under all circumstances, however, consideration must be given as to the consequences of return to the country of origin and any potential harm that might justify refugee status or a complementary form of protection. In the event that the claim is found to be self-serving but the claimant nonetheless has a well-founded fear of persecution on return, international protection is required. Where the opportunistic nature of the action is clearly apparent, however, this could weigh heavily in the balance when considering potential durable solutions that may be available in such cases, as well as, for example, the type of residency status.

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<sup>25</sup> Such a claim may also arise if a claimant marries someone of another religion in the country of asylum or educates his or her children in that other religion there and the country of origin would use this as the basis for persecution.

<sup>26</sup> See UNHCR Handbook, above note 4, paragraph 96.



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### Religious Freedom

#### US Department of State

- [U.S. Dept of State; Bureau of Democracy, Human Rights, and Labor - Religious Freedom Homepage](#)
- [Anti-Semitism Definition](#)
- [Contemporary Global Anti-Semitism: A Report Provided to the United States Congress](#)
- [Countries of Particular Concern](#)

Burma - first designated a CPC in 1999	Saudi Arabia - first designated a CPC in 2004
China - first designated a CPC in 1999	Sudan - first designated a CPC in 1999
Eritrea - first designated a CPC in 2004	Tajikistan - first designated a CPC in 2016
Iran - first designated a CPC in 1999	Turkmenistan - first designated a CPC in 2016
North Korea - first designated a CPC in 2001	Uzbekistan - first designated a CPC in 2006
*Pakistan - Special Watch List 2018	

#### US Commission on International Religious Freedom

- [Homepage](#)
- [FAQs](#)
- [Countries of Particular Concern](#) - One of the most significant human rights acts of the U.S. government is the designation of "countries of particular concern," or CPCs, for ongoing, egregious violations of religious freedom.

<a href="#">Burma</a>	<a href="#">Pakistan</a>
<a href="#">Central African Republic</a>	<a href="#">Russia</a>
<a href="#">China</a>	<a href="#">Saudi Arabia</a>
<a href="#">Egypt</a>	<a href="#">Sudan</a>
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<a href="#">North Korea</a>	<a href="#">Uzbekistan</a>
	<a href="#">Vietnam</a>

In addition to its CPC recommendations, the Commission has established a [Watch List](#) of countries where religious freedom conditions do not rise to the statutory level requiring CPC designation but which require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the governments.

#### UNHCR

- [Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A\(2\) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees](#)

Country specific religious freedom information is available on the [Country Conditions Research Pages](#)

[International Religious Freedom Act of 1998](#)

[Frank R. Wolf International Religious Freedom Act](#)

► [US Department of State International Religious Freedom Reports](#)

► [US Commission on International Religious Freedom Annual Report](#)

► [Commission on International Religious Freedom Special Reports](#)

**NEW IMMIGRATION JUDGE TRAINING CERTIFICATION:  
INTERNATIONAL RELIGIOUS FREEDOM**

I certify that I have reviewed the materials<sup>1</sup> on international religious freedom for new immigration judges provided by the Executive Office for Immigration Review, Office of Policy, Legal Education and Research Services Division. I understand that section 603(c) of the International Religious Freedom Act (IRFA) requires both initial and ongoing international religious freedom training for immigration judges, including training on the extent and nature of international religious persecution, employed methods of governmental and nongovernmental religious persecution, differences in treatment of religious groups by persecuting entities, and the use of the Annual Report on International Religious Freedom.

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Printed Name

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Signature

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Date

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<sup>1</sup> IRFA Materials Reviewed:

- Text of the International Religious Freedom Act of 1998, as amended; Text of the Frank R. Wolf International Religious Freedom Act (2016)
- Fact Sheet of United States Commission on International Religious Freedom (USCIRF), FAQs, and USCIRF's Annual Report Overview
- Description of the Department of State, Office of International Religious Freedom; FAQs regarding IRF Report and Countries of Particular Concern; Preface and Overview of Report on International Religious Freedom; webpage access portal to IRF reports
- United Nations High Commissioner for Refugees (UNHCR) Guidelines regarding Religion-Based Refugee Claims under the 1951 Convention and 1967 Protocol (2004)
- Instructions on accessing the EOIR Virtual Law Library (VLL) religious freedom materials